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CORRESPONDENCE

WITH THE

BRITISH COMMISSIONERS.

SIERRA LEONE. (*General.*)

No. 1.

Her Majesty's Commissioners to Viscount Palmerston.

Sierra Leone, December 31, 1839.
(*Received January* 14, 1842.)

My Lord,

We have the honour to transmit herewith to your Lordship a certified copy of the list of slaves registered here by the different Mixed Courts during the last half year. The number so registered was 1221.

During the same period the survivors of 212 slaves captured in the West Indies on board the Spanish brig "*Sevillon*" were emancipated by a Decree of the British and Spanish Mixed Court of Justice, but not registered here, owing to their having been landed at Nassau, New Providence.

We have, &c.

(Signed) H. W. MACAULAY
R. DOHERTY

The Right Hon. Viscount Palmerston, C.C.B.
&c. &c. &c.

Enclosure in No. 1.

ABSTRACT.

Name of Vessel.	Number Registered.	Number died before Registration, but after Emancipation.	Number Emancipated.	Remarks.
Merced	1	..	1	
Casualidade	88	..	88	
Jacoby	192	4	196	Three men and one boy died.
Pomba da Africa	115	5	120	[illegible] men, one woman, one [illegible] and one girl died.
Sedo ou Tarde	21	..	21	
Constitucão	337	1	338	One [illegible] died.
Sete de Abril	415	..	415	
Andorinha	3	..	3	
Vencedora	49	1	50	One woman died.
	1221	11	1232	

Men.—Number registered up to 30th June 1839 49,933
Number registered from the 30th June to 31st December, 1839 . 1,221

51,154

In addition to the foregoing list of emancipated slaves registered during the period set forth, there were 212 slaves landed from the Spanish brig "*Scorpião*" at Nassau, New Providence, the survivors of whom were emancipated by a decree of the British and Spanish Mixed Court of Justice.

These are to certify that the foregoing is a true and correct copy of the original list of slaves registered and emancipated by the Courts of Mixed Commission established at Sierra Leone under treaties with foreign powers for preventing the illicit traffic in slaves, during the period from the 30th day of June to the 31st day of December, 1839.

In faith and testimony whereof I have hereunto set my hand and affixed the seal of the Mixed Commissions at Freetown, in the said colony, this 31st day of December, in the year of our Lord 1839.

[L. S.] (Signed) J. MILLER, *Acting Registrar.*

No. 2.

Her Majesty's Commissioners to Viscount Palmerston.

Sierra Leone, November 9, 1840.

(*Received January* 14, 1841.)

My Lord,

On the 6th ultimo Her Majesty's Commissioners had the honour to report to your Lordship the condemnation of the Brazilian brig "*Claudina*," for being concerned in the Slave Trade, and I now beg leave to acquaint your Lordship that that vessel was purchased at the Mixed Commission sale for 600*l.* by Lewis, or Louis Lemaigneré, a Frenchman, living at Seabar river Sherbro.

The Frenchman fitted out his purchase in this harbour, and having named her the "*Filantropico*," placed her under the Spanish flag and embarked, from the foreigners brought here in condemned slave vessels, 12 men as a crew, and 20 men as passengers.

Her cargo was owned and shipped by Lemaigneré, and consisted of the following articles only:

2 Chain cables.
2 Anchors.
2 Old guns, and
20 Tons iron ballast.

The "*Filantropico*" was commanded by Narciso Aldavó, lately master of the condemned brigantine "*Paluera*," and cleared out here for an ostensible voyage to Havana.

For the use of the 32 persons embarked in this vessel, it appears that there were on board of this brig no less than four leaguers and fifteen casks, together holding 2700 gallons of water—a quantity with which, in my opinion, she ought not to have been allowed to leave this port; for if the voyage be estimated as one of 70 days' duration, which is more than a liberal calculation, and a gallon of water a day be allowed for each person on board, it will then appear that she has 560 gallons of water more than she ought to have.

Lemaigneré is a resident at Seabar, where he has a factory, and is generally considered to be extensively engaged in the Slave Trade, in connexion with the house of Blanco and Carballo, of Havana; an opinion which has received confirmation from the fact that the funds for the present adventure were furnished by the agent, at the Gallinas, of the house alluded to, in the form of bills on a firm in London, well known to be the correspondents there of Blanco and Carballo.

In the case of the "*Eliza Davidson*," condemned here in April of this year, Lemaigneré is mentioned under the name of Louis only, as receiving goods from the notorious José Alvarez, of Gallinas, and shipping in return 60 tons of rice on board of that vessel.

This vessel went to sea yesterday morning, and there can be little doubt is destined to receive a cargo of slaves either at Seabar or the Gallinas.

The foregoing was originally drawn up as a joint despatch for the signature of my colleague, Governor Doherty, and myself, but his Excellency declined putting his name thereto, on the ground that the water was not excessively over, on my own calculation, supposing this vessel's voyage to be of 70 days' duration; and that he conceived the fault, if any, in this instance to be in the system, which admits the purchase of prize vessels by notorious slave-dealers.

In consequence of the Governor's objections I feel called upon to make some explanations in support of the correctness of my estimate of the length of the voyage hence to Cuba, as well as to show that in describing the quantity of water on board of this vessel as in excess, and such as she ought not to have been allowed to carry hence, I have not laboured to make out a case, but have been strictly governed by established precedent and a correct view of the law upon this point.

In estimating that 70 days would be a long voyage hence to Cuba, I have been influenced by the knowledge of the fact, that vessels conveying troops from this colony to the Bahamas, or some other of the windward islands, have made the passage in from 16 to 30 days; and that the remaining 40 days would of course afford more time than could be required by any vessel to proceed from the Bahamas to Cuba. The estimate is therefore, I submit, my Lord, a reasonable and liberal one.

Respecting the excess of water on board of this vessel, I beg to remark, that the Spanish Treaty, as well as the Act of Parliament for carrying that Treaty into effect, distinctly state that neither Spanish nor English vessels shall carry a larger quantity of water than is requisite for the consumption of the crew of the vessel as a merchant vessel; and if ever there was an instance where the letter and spirit of the law should have been strictly acted up to, it was apparently in the case of this vessel, every party connected with it being concerned in the Slave Trade.

In calculating the quantity of water which this vessel should have carried, the full allowance of a gallon per diem was given to every person on board, whether as crew or as passengers, and that for a long voyage to Cuba; when there appeared to have been embarked 560 gallons beyond what was absolutely necessary. Such a quantity of water must be, I think, considered as in excess, and as affording reasonable grounds of suspicion as to the intentions of the parties shipping it, whilst it certainly forms a strong *primâ facie* case of unlawful equipment against this vessel.

In a late case condemned in the British and Spanish Mixed Court in this colony, the schooner "*Carolina*," the chief ground of condemnation was having casks on board capable of receiving 540 gallons of water more than what a sufficient crew for that vessel, as a merchant vessel, were considered to require; and as Governor Doherty acted as my colleague at the adjudication of the "*Carolina*," and fully coincided with the opinions which fell from the Court on that occasion, I have considered it necessary thus far to trespass on your Lordship's time in the way of explanation.

I have, &c.

(Signed) WALTER W. LEWIS.

The Right Hon. Viscount Palmerston, G.C.B.,
&c. &c. &c.

December 3, 1840.

P. S.—Commander Denman, of Her Majesty's sloop "Wanderer," who lately came in from the neighbourhood of the Gallinas, reports that the owner of the "*Filantropico*" had succeeded in embarking a cargo of slaves at the Seabar, with whom the vessel got clear from the coast.

W. W. LEWIS.

No. 3.

...ton to Her Majesty's Commissioners.

Foreign Office, January 16, 1841.

... to you an Extract from a Despatch from the ... Her Majesty's Secretary of State for the Colonial ... of the condition of the liberated Africans in that ...

...ntion to the opinion of the Governor of Sierra ... *t the liberated Africans* should be employed by ... and I have to instruct you to employ liberated

Africans accordingly, as messengers, servants, clerks, or otherwise, wherever you can make their services available.

I am, &c.

(Signed) PALMERSTON.

Her Majesty's Commissioners,
&c. &c. &c.

Enclosure in No. 3.

Extract from a Despatch from Governor Doherty to Lord John Russell, dated Sierra Leone, October 3, 1840.

"The defective superintendence of the department, and the several evils and inconveniences which I brought two years ago to the notice of Lord Glenelg in my Despatches of the 23rd and 24th of September, 1838, Nos. 65 and 66, are now I trust about to be remedied, in so far as the general difficulty of procuring the services of intelligent and efficient officers will permit, by the adoption of those arrangements which I had then the honour to recommend, and which were authorized by your Lordship's Despatch of the 24th of December last, No. 13. The transfer to the Commissariat Department of the cash, store, and provisioning branches, was effected at the commencement of the last quarter, and at the same time two of the writers of the establishment were placed under the direction of the commissariat officer. The office of chief clerk I have for the present discontinued, having transferred Mr. Jones, who filled that situation, to the management of the Mountain district, and thus there now remains under the acting assistant superintendent only one writer. These changes, with the appointment of an inspector of schools, which took place on the arrival of your Lordship's instructions, form the whole of the new arrangements for the present; but they are so far provisional merely, that the services of the chief writer in the department cannot of course be finally dispensed with. With respect to your Lordship's suggestion for discontinuing one of the two clerks now placed under the Commissariat, a further experience of the extra duties now devolved upon that department will be requisite before the practicability of the measure can be ascertained; but upon this subject, as well as the general working of the new system, and the improvements which it may be possible to introduce into the system of apprenticeship, I shall probably be enabled to report fully towards the close of the year.

"In regard to the liberated people, the favourable opinion which I had occasion to express two years ago, in the Despatches to which I refer, remains unchanged, and has been confirmed since that time after three years' acquaintance with this people. I do not hesitate to pronounce them again to be upon the whole, an active and industrious, and well-disposed population. During visits which I recently made to the country districts, I witnessed many proofs of their diligence and desire of improvement. Their crops, under all their disadvantages formerly stated by me, bore a full and luxuriant appearance, and the cultivation of vegetables and other market produce, yams, cassada, tanya, or cocoa, Indian corn, and sugar-cane, was sufficient to show how abundantly these would increase if an adequate demand existed for them, and they were adequately paid for. The villagers likewise are becoming generally better clothed and dressed—a circumstance which is indeed to be ascribed to the comparative cheapness of articles of dress, occasioned by the great influx that has recently taken place of the prize goods sold at Mixed Commission Sales; but which evinces at the same time both the readiness and ability of the purchasers to avail themselves, under all the disadvantages of their position, of any means that may be presented to them of adding to their condition, and the aptitude and ability of the hawkers or native merchants, by whom those articles are bought and retailed, to turn rapidly to the best advantage opportunities as they offer of extending and increasing their commerce.

"These traders now number in Freetown and the villages not fewer than 400 persons, and they are extending their views beyond the settlement itself. During the last twelve months they have purchased and equipped two vessels for the coast trade, of which one has made three, and the other two voyages, and in these they trade as far as Lagos, in the Bight of Benin.

"If, therefore, there be any truth in the assertion so frequently made in England, that one object of British policy in founding this settlement, the civilizing of these Africans, remains unattained, the failure is not to be ascribed to the people themselves. I have to repeat my former assertions, that they have had to labour under great discouragement peculiar to their position or to the Colony. They have had no sufficient market for their produce. They have had no employment in the timber factories as labourers. They are, with rare exceptions, employed in Freetown as servants and messengers by the merchants, by officers of Government, or even in the Government offices themselves, where, as in the case of the Custom House and the Mixed Commission, these are not immediately under my own control, and I would suggest that a change of system in this particular should be recommended to both those departments of Her Majesty's Government. They have to contend with jealousy, not certainly the honourable rivalry, of the Nova Scotian [illegible], who regard them as an inferior and degraded caste, and haughtily oppose their admission into those parts of the town which were originally assigned to themselves. And in my opinion an error was then unwittingly committed, when those Settlers, with their American and West Indian prejudices of caste, were invited into a colony set apart for the location and improvement of persons situated as the liberated Africans are, and when lands were assigned to them around the town, to the extent, in some places, of two miles, which, with their inveterate habits of idleness and sloth, they have left unimproved; and on which, in most instances, they have felled those forest trees whose presence was both ornamental and useful, while they have allowed in their room the growth of underwood or bush, to which some part of the sickliness of Freetown is undoubtedly to be ascribed.

"It is the discouragement they have encountered from these causes which has induced many of the liberated people to act upon an idea first suggested to them last year of returning to their native countries. In 1838 I reported that no disposition to revisit those countries had ever been evinced by them. About twelve months ago, however, the arrival from Trinidad of some Housia natives, who were sent hither on their return to that country, in a freight ship from England, suggested the idea to

many of the Hawkers, that they might now carry back among their countrymen the arts and improvements of Europe which they had acquired here, with the fortunes which had been amassed by them. and at the same time might trade in and from their native territories with advantages superior to those enjoyed by them in the colony. They have, therefore, as I have already reported, made the attempt, but with so little success, that a period is probably put for a time to any renewal of that enterprise."

No. 4.

Viscount Palmerston to Her Majesty's Commissioners.

GENTLEMEN, *Foreign Office, March* 4, 1841.

I HEREWITH transmit to you four Instruments, bearing date the 20th of February, 1841, by which Her Majesty has been pleased to appoint Walter William Lewis, Esq., to be Her Majesty's Commissary Judge; and Michael Linning Melville, Esq., to be Her Majesty's Commissioner of Arbitration; and Charles Brooke Bidwell, Esq., to be Registrar to the Mixed British and Foreign Courts of Commission established at Sierra Leone under the Treaties and Conventions concluded with Spain, Portugal, the Netherlands, and Brazil, for the suppression of the Slave Trade, and pursuant to several Acts of Parliament for carrying those Treaties into effect.

At an early opportunity after the receipt of this Despatch, but before you enter upon your respective duties in the characters assigned to you in Her Majesty's Commission of Appointment, you will take in due form the oath prescribed to you by the enclosed Instruments, and by the Acts of Parliament under which you are appointed; and you will then administer to Mr. Bidwell the oath prescribed to be taken by him as Registrar.

You will announce these appointments to the foreign members of the Mixed Courts destined to act with you under the Treaties and Conventions above mentioned.

You will follow strictly the line pointed out in the Instructions which have heretofore been given by Her Majesty's Secretary of State to Her Majesty's Commissioners at Sierra Leone.

Further Instructions will be transmitted to you according as it shall appear that such Instructions shall be necessary for your guidance.

I am, &c.

(Signed) PALMERSTON.

Her Majesty's Commissioners,
&c. &c. &c.

No. 5.

Her Majesty's Commissioners to Viscount Palmerston.

Sierra Leone, November 30, 1840.

MY LORD, (*Received March* 8, 1841.)

WE have the honour to acknowledge the receipt of your Lordship's Despatch of the 16th of July last, acquainting us that the Lords of Her Majesty's Treasury are of opinion that the existing method of estimating the tonnage of condemned Slave vessels, with the view to decide the amount of bounty payable thereon to the captors, ought to be adhered to; and that your Lordship had recommended to the Lords of the Treasury the issuing of instructions to the officers of Her Majesty's Customs at this port, to admeasure such vessels, in conformity with the provisions of the Act 1st and 2nd Victoria, cap. 47, sect. 3.

We have, &c.

(Signed) R. DOHERTY.
WALTER W. LEWIS.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

No. 6.

Her Majesty's Commissioners to Viscount Palmerston.

Sierra Leone, November 30, 1840.
(*Received March* 8, 1841.)

My Lord,

We have the honour to acknowledge the receipt of your Lordship's Despatch of the 8th of August last, acquainting us that the Lords of Her Majesty's Treasury had given directions that the principal officer of Customs at this port should be instructed to [illegible] condemned Slave vessels agreeably to the provisions of the 1st and 2nd Victoriæ cap. 47, sec. 3. We beg leave to thank your Lordship for this communication.

We have, &c.
(Signed) R. DOHERTY.
WALTER W. LEWIS.

The Right Hon. Viscount Palmerston, G.C.B.,
&c. &c. &c.

No. 7.

Her Majesty's Commissioners to Viscount Palmerston.

Sierra Leone, December 16, 1840.
(*Received March* 8, 1841.)

My Lord,

We have been honoured with the receipt of your Lordship's Despatch of the 22nd of October last, desiring us to furnish to the Senior Naval Officer on the Sierra Leone Station all the information relating to the Slave Trade which we may collect in evidence, as well as from the translations of correspondence and papers produced before the Court on the trial of detained vessels.

In reply thereto we beg leave to state to your Lordship that we shall take every occasion of acting up to your Lordship's wishes; and at the same time we think it right, in justice to our predecessors and to ourselves, to explain, that we have never lost an opportunity of imparting to the Naval Officers generally, either in writing or verbally, everything which we thought calculated to further the object of suppressing the Slave Traffic. This we have, of course, done equally from a sense of duty as Her Majesty's Commissioners as from our personal disposition to aid in the accomplishment of an object which the friends of humanity have so much at heart.

We have, &c.
(Signed) R. DOHERTY.
WALTER W. LEWIS.

The Right Hon. Viscount Palmerston, G.C.B.,
&c. &c. &c.

No. 8.

Her Majesty's Arbitrator to Viscount Palmerston.

Sierra Leone, December 17, 1840.
(*Received March* 8, 1841.)

My Lord,

I have the honour to report to your Lordship that Sir John Jeremie, who has lately been appointed by Her most gracious Majesty to relieve Colonel Doherty in the administration of the government of Sierra Leone, arrived in this port last evening. His Excellency disembarked this morning, and having been sworn in as governor, immediately afterwards took the usual oath of office as her Majesty's acting Commissioner in the several Mixed Courts esta-

blished in this colony, and the business before the same was continued without interruption.

I have, &c.
(Signed) WALTER W. LEWIS.

The Right Hon. Viscount Palmerston, G.C.B.,
&c. &c. &c.

No. 9.

Her Majesty's Commissioners to Viscount Palmerston.

Sierra Leone, December 31, 1840.
(*Received April* 13, 1841.)

My Lord,

Herewith we have the honour to hand to your Lordship the half-yearly list of Slaves emancipated and registered by the Mixed Commissions at this station.

During this period the Spanish schooner "*Reglano*" was the only vessel which came before us with negroes on board, from which there were 348 slaves emancipated, all of whom were registered here except one man, who died previous to his description being taken.

We have, &c.
(Signed) JOHN JEREMIE.
WALTER W. LEWIS.

The Right Hon. Viscount Palmerston, G.C.B.,
&c. &c. &c.

Enclosure in No. 9.

ABSTRACT.

——	Number Registered.	Number died before Registration, but Emancipated.	Number Emancipated.	Remarks.
Reglano	347	1	348	

Mem.—Number registered up to the 30th June, 1840 51,524
Number registered from the 1st July to the 31st December, 1840 . 347
51,871

These are to certify that the foregoing is a true and correct copy of the original list of slaves registered and emancipated by the Courts of Mixed Commissions established at Sierra Leone under the treaties with foreign powers for preventing the illicit traffic in Slaves, during the period from the 1st of July to the 31st of December, 1840.

In faith and testimony whereof I have hereunto set my hand, and affixed the seal of the Mixed Commissions, at Freetown, in the said colony, this 31st day of December, in the year of our Lord 1840.

(L. S.) (Signed) M. L. MELVILLE, Registrar.

No. 10.

Her Majesty's Commissioners to Viscount Palmerston.

Sierra Leone, December 31, 1840.
(*Received April* 13, 1841.)

My Lord,

We have the honour to enclose herewith a list of all the cases adjudicated during the year 1840 in the British and Portuguese, and British and Brazilian Courts of Mixed Commission, and in the British and Spanish Mixed Court of Justice established in this colony.

No case came before the British and Netherlands Mixed Court of Justice during the period.

The number of vessels adjudicated was 29, one having been tried in th British and Portuguese Court, 20 in the British and Spanish Court, 8 in the British and Brazilian Court, all of which proved cases of condemnation, with one exception, that of the Spanish brig "*Republicano*," the proceedings against which vessel were withdrawn at the request of the parties concerned, and by the permission of the Court, the captor being left to prove the charge he had preferred.

Seven hundred and twenty slaves were emancipated during the year, of whom all but 3, who died before their descriptions could be taken, were registered here.

The total number of vessels adjudged by the Mixed Commissions since their establishment in this colony in June, 1819, up to the present date, is 425, of which number 22 were cases of restoration to the claimants. From the vessels so condemned there have been emancipated 59,351 slaves, 51,871 of whom only have been registered here.

Of the 29 vessels which came before the Mixed Courts during this year 1 was the "*Republicano*," a condemned Brazilian prize, bought, fitted out under the Spanish flag, and seized in this harbour, and eventually restored by consent of the parties, as previously mentioned. The remaining 28 were respectively engaged in the Spanish and Brazilian Slave Trade, 20 vessels being employed for the island of Cuba, and 8 for the ports of Rio de Janeiro and Bahia.

Of the 20 vessels employed in the Cuba trade, 15 sailed from the port of Havana, 4 only of which bore the flag of Spain, whilst 4 carried that of Portugal, and 7 the colours of the United States. Of the remaining 5 in the Cuba trade, 2 sailed under Spanish colours from St. Jago de Cuba, 1 from Matanzas, and 2 from the port of Cadiz, with the same flag.

Five of the 8 vessels engaged in the Brazilian Slave Trade sailed from Rio de Janeiro, 2 only of which carried the imperial flag, whilst 2 bore the colours of Portugal, and 1 those of Montevideo. The remaining 3 of the 8 sailed from Bahia, and were Brazilian vessels.

The destinations on this coast of the 20 vessels in the Cuba Slave Trade were, 11 for the ports lying between Sierra Leone and Cape Palmas, 4 to the Bight of Benin, and 5 to the Bight of Biafra.

The 8 vessels in the Brazilian Slave Trade were, when seized, proceeding as follows: 4 to the Bight of Benin, 1 to the river Gaboon, and 3 to the slaving-ports south of the Equator.

From these facts we think it will appera, that the opinion lately published that the Slave Trade in the Bights of Benin and Biafra had been withdrawn to the Portuguese settlements south of the Equator, and that lawful commerce is now carried on in its place, is unfortunately ill-founded. For of the 28 vessels seized and condemned by this Mixed Commission we observe that no less than 13 of them were destined for the ports in the Bights, whilst only 3 seizures have been effected to the southward of the Equaor.

Any check which the Slave Trade generally in the Bights may have received the British cruizers deserve a great deal, if not the whole credit of; whilst they are certainly fairly entitled to the entire merit of the reduction which that trade has suffered at Lagos and Whydah, where lawful commerce is almost unknown. During this year 3 vessels have visited those places from this colony, laden chiefly with prize-goods adapted to those markets, and each returned hither with scarce anything on board but specie, which with slaves form the staples of those ports.

To the southward of the Equator, although the seizures have not been so numerous as might have been hoped for from the very vigilant cruizing which has prevailed there for some months past, still we have lately received satisfactory accounts from that quarter of the result of the exertions of the squadron.

On the 15th of this month it appears the notorious slaving port of Ambriz had then been under blockade for three months, during which time the trade could not be carried on; and one of the consequences of this system has been to cause the slaves collected in the "barracoons" there to amount to 2000. This very large number of negroes is therefore now being idly maintained at a ruinous cost to their owners.

Besides the 3 vessels seized to the southward of the Line and sent hither for trial, there had also been some detentions under the Portuguese flag, which vessels had gone for adjudication to the Vice-Admiralty Courts at St. Helena or the Cape of Good Hope.

The Slave Trade has, we hear also, received a decided check, for a time at least, at the island of Corisco, in the mouth of the river Danger, by the destruction of the slave factories on that island, in consequence of the foreigners concerned in them having made a most unwarrantable hostile attack on the boats of Her Majesty's sloop "Wolverine," when they were quietly entering that river on duty.

With respect to the state of the Slave Trade from the southern boundary of this colony to Sesters, we are enabled to lay before your Lordship some important particulars, through the kindness of the commander of Her Majesty's sloop "Wanderer," the Honourable Joseph Denman, who has charge of the small squadron kept on the Sierra Leone Station. The strict blockade which this active and zealous officer has maintained along that part of the coast above mentioned since the month of May last, enables him to afford an exact account of the number of vessels engaged in the traffic, and the results of their voyages.

From Commander Denman's communication, we learn that in the eight months during which he has thus blockaded the Gallinas and its neighbourhood, 21 vessels came thither to carry off human cargoes, of which number only 5 had escaped. These 5 vessels, however, took away 1560 slaves. Of the remainder, 15 had been captured by British cruisiers, 2 of which were condemned in the Vice-Admiralty Court here, and 11 in the Mixed Commission Courts, and 2 are yet for trial in the latter Courts. The remaining vessel of the 21, the "Courtenay," after having been chased off the coast by the "Wanderer," was brought by the crew into this port, where they denounced her to the authorities as a Spanish slave-trader, and she was subsequently seized for being found illegally equipped in British waters, and prosecuted to condemnation in the Vice-Admiralty Court. Upwards of three-fourths of the vessels employed in the Slave Trade of the Gallinas and its neighbourhood for the last eight months have therefore been lost to those engaged in it, and must, we hope, have created for them ruinous losses.

Great, however, as the good effects of this blockading system may appear, we have yet to communicate to your Lordship what we consider a much more important feature in the history of the Gallinas Slave Trade, which is the total destruction of the 8 slave-factories established there, and the emancipation of 841 slaves, who were on that occasion given up by the native King Seacca to Captain Denman, and by him conveyed to this colony and placed in the hands of the government. It is stated that the foreign slave-dealers at the Gallinas lost on this occasion a very large amount of property, variously estimated between 100,000*l.* and 500,000*l.* sterling, as well as their claims on the natives for no less than 13,000 slaves, the price of whom they had advanced from time to time in the course of trade. These measures of hostility towards the slave-dealers were, as we are informed, conducted by the native chiefs, between whom and the slave-dealers, we think, there is now so serious a feud established as to render impossible, at least for a considerable time to come, the re-establishment there of slave-factories. And if, in the mean while, the Sierra Leone squadron shall be enabled to continue its effective blockade of this part of the coast, and thus keep the natives from the temptations of the Slave Trade for such a length of time that, their acquired wants being unsupplied, they may be stimulated to exertions for the establishment of legitimate trade, the result must be, we anticipate, pleasing to the friends of humanity and beneficial to Africa.

The panic which the destruction of this stronghold of slavery has created is very great; and the foreigners have quitted the Gallinas in the greatest alarm, in the belief that their lives were no longer safe there from the ill disposition manifested by the natives.

We earnestly hope, that the good thus effected will be followed up in that manner which will secure for the cause of Africa all the advantages which prompt and judicious measures would obtain; and that we may not now be doomed to witness the revival of the odious traffic at the Gallinas, as was the case in the river Sherbro, after the total destruction of the trade there in the years 1825 and 1826, by the late lamented Governor Turner; when the re-establishment there of that trade might, by a comparatively small and well-applied expenditure, have been prevented, thereby giving to Sierra Leone for

lawful trade one of the most fertile districts on this part of the coast, and which trade would, by this time, no doubt, have increased to an amount of considerable importance.

Captain Denman was also so obliging as to place in our hands some Spanish letters and books which had fallen into his possession at the time of the destruction of the Gallinas factories, from which we learned that at Dombocorrow, the establishment belonging to the firm of Pedro Martinez and Company, and which was lately conducted by Pablo Alvarez, the number of slaves purchased between the 1st of August, 1839, and 19th of October, 1840 (fourteen and a half months), was 1465, giving a yearly average of 1212; and that the number of slaves shipped in that period was 1710, part of that amount being on freight for the account of Louis Lemaignère of Seabar and others. The tone of several of these letters from the Gallinas to the Havana, dated in September and October last, is most desponding; the writers declare that their prospects have been nearly ruined by the vigilance of the British squadron. The subsequent measures previously referred to have, we hope, had the effect of putting a final stop to the Gallinas Slave Trade, which, from the papers and information furnished to us by Commander Denman, may be fairly estimated at between 9000 and 10,000 slaves annually.

In addition to the slaves emancipated at the Gallinas through the influence of Commander Denman, there have likewise arrived here 104 slaves from the Factory of Theodore Canot at New Sesters, who was induced to grant the freedom of these persons at the instance of the Commander of Her Majesty's brigantine "Termagant," Lieutenant Seagram, which cruizer has lately been engaged in the blockade of that part of the coast. Lieutenant Seagram's activity on the occasion we cannot but consider extremely commendable. It has had the immediate effect of inducing Canot to promise to renounce the Slave Trade; and thus depriving the still more notorious Pedro Blanco of one of his most active, vigilant, and courageous agents.

Respecting the Slave Trade in the rivers between this colony and the Gambia, we are enabled to offer some remarks from the communications of our old and obliging correspondent residing to windward.

That gentleman informs us that the Rio Nunez has not been visited for three years by a slave-vessel, but has nevertheless suffered from the influence of a very active Slave Trade carried on at Bissão, whence agents are despatched to the Nunez to collect slaves, whom they send round to Bissão by every convenient opportunity. The notorious Cayetano Nozzolini (Kyetan) of Bissão has had his full share in this traffic, and employed in the Nunez at one time two European agents, besides the coloured people in his service, to collect slaves.

The estimated annual export of slaves, chiefly to Cuba, from Bissão is upwards of 2000.

The report which has been circulated to windward of the intention of Her Majesty's Government to reoccupy the British island of Bulama, has struck terror into all connected with the Slave Trade of Bissão and Cacheo, and created bright prospects of success for those engaged in the prosecution of lawful commerce in that quarter.

We sincerely hope that the unfounded claim of the Portuguese Government to this Island, urged, it is alleged, through the influence and for the benefit of those engaged in the odious traffic in slaves carried on at the Portuguese settlements, will have by this time been disposed of, and that British merchants may find themselves at liberty to establish factories on that Island, to carry on a peaceable commerce with the natives.

During the present year it appears that the Rio Pongas has been visited by fewer slaving-vessels than for many years past; not, however, from any falling off in the activity of the foreigners engaged in that traffic, but from the fact of several of their vessels having been, within the last two years, exposed to the ill-treatment of the slaves of the late King of the river, Mungo Yangey, who on his demise declared their independence, and have since set at defiance all the authorities of the place. These negroes, on the arrival of a slave-vessel, have been in the habit of possessing themselves of the cargo, for which very liberal promises of early payment of the full value were at once tendered; but, after a delay of many months, the slavers have been obliged to depart with only a third, or perhaps a fourth, of the return cargo which had been agreed

upon. Such a mode of carrying on business even the enormous profits of the slave-traffic will not bear, and hence the decrease of that traffic in the Rio Pongas during this year.

On the death of the notorious slave-dealer, John Ormond, his numerous slaves followed the example of the late King's negroes, and declared themselves free. They withdrew at once from the late John Ormond's town of Bangalang, in the Pongas, and established themselves in a village of their own on the confines of the Foulah country, and have intrenched themselves within a strong stockade. These acts of self-emancipation on the part of large bodies of negroes in the Pongas must, we think, speedily so change the state of affairs in that river as to lead to the hope that, by timely and judicious interference on the part of the friends of Africa, the Slave Trade might be there eradicated.

Taking a review of the present state of the Slave Trade along the coast from the Gambia to Cape Palmas, excepting of course the Portuguese Colonies, we are of opinion it may be pronounced to be so far reduced that, if the principal marts could be permanently blockaded, and thus keep off the slave-dealers, at the same time adopting suitable measures for bringing the attention of the natives to the lawful productions of the country, the total eradication of the Slave Trade might be looked for in a few years.

We have lately received intelligence, on which we can depend, that the notorious Edward Jousiffe, who made his escape from the gaol of this colony after his conviction as a British subject for slave-dealing, died not very long since at the Rio Pongas.

We beg leave to mention, as a result of the measures adopted for the suppression of the Slave Trade during this year, that there have been ten vessels, bearing the flag of Portugal, condemned in the Vice-Admiralty Court of this colony, for being equipped for that trade, under the provisions of the 2nd and 3rd Victoria, cap. 73.

We have, &c.

(Signed) JOHN JEREMIE.
WALTER W. LEWIS.

The Right Hon. Viscount Palmerston, G.C.B.,
&c. &c. &c.

Enclosure in No. 10.

A List of Cases adjudicated in the Courts of Mixed Commissions established at Sierra Leone, between the 1st day of January and the 31st day of December, 1840.

No. of Cases adjudicated between June, 1819, and 31st Dec. 1840.	No. of Vessels liberated between June, 1819, and 31st Dec. 1840.	No. of Cases adjudged between 1st January and 31st Dec. 1840.	Nation.	Name of Vessel.	Class.	Whether Condemned or Liberated.	No. of Slaves on board at the time of capture.	No. of Slaves Emancipated.	No. of Slaves Emancipated and Registered.	Remarks.
			Spanish.							
397	21	1	1	Eagle	Brigantine	Condemned				
398	..	2	2	Laura	Schooner	,,				
399	..	3	3	Lark	,,	,,				
400	..	4	4	Asp	,,	,,				
401	..	5	5	Eliza Davidson .	Brig	,,	2	2	2	
402	..	6	6	Octavia . . .	Schooner	,,				
403	..	7	7	Sao Paolo de Loando	,,	,,				
404	..	8	8	Maria Rosario .	,,	,,				
405	22	9	9	Republicano . .	Brig	(Case withdrawn) Condemned				
406	..	10	10	Plant	,,					
407	..	11	11	Carolina . . .	Schooner	,,				
408	..	12	12	Diana	Brigantine	,,				
409	..	13	13	Sirena	Schooner	,,				
410	..	14	14	Palmira . . .	Brigantine	,,				
411	..	15	15	Felicidade . . .	Schooner	,,				
412	..	16	16	Veracruzano (Paquete)	,,	,,				
413	..	17	17	Porto Formoso .	,,	,,				
414	..	18	18	Vanguardia . .	,,	,,				
415	..	19	19	Reglano . . .	,,	,,	350	348 *a*	347	
416	..	20	20	Clara	,,	,,				
			Portuguese.							
417	..	1	1	Olimpa . . .	,,	,,	380	370 *b*	368	
			Brazilian.							
418	..	1	1	Conceicao . . .	Brigantine	,,				
419	..	2	2	Julia	,,	,,				
420	..	3	3	Santo Antonio Victorioso.	Polacca	,,				
421	..	4	4	Republicano . .	Brig	,,				
422	..	5	5	Claudina . . .	Brigantine	,,				
423	..	6	6	Onze de Novembro	Brig	,,				
424	..	7	7	Gratidao . . .	Schooner	,,				
425	..	8	8	Emilia	Brigantine	,,				
							732	720	717	

Emancipated at Sierra Leone, but not registered, between June, 1819, and 1st January, 1840	7,657
Died subsequent to emancipation, but before their descriptions could be taken to be registered, between 1st January and 31st December, 1840	3
Total	7,660
Total of slaves emancipated and registered here between June, 1819, and 1st January, 1840	51,154
Total of slaves emancipated and not registered here, between June, 1819, and 1st January, 1840, for reasons assigned in previous return	7,657
Total of slaves emancipated between 1st January and 31st December, 1840	720
Grand total of slaves emancipated at Sierra Leone between June, 1819, and 31st December, 1840	59,531
Of which number there has not been registered here, as appears by the foregoing remarks	7,660
Grand total number registered here up to this day	51,871

a One man died after emancipation, but before his description could be taken to be registered.
b Two men died after emancipation, but before their descriptions could be taken to be registered.

Sierra Leone, 31st *December*, 1840.

(Signed) JOHN JEREMIE.
WALTER W. LEWIS.

(Signed) M. L. MELVILLE, *Registrar*.

No. 11.

Viscount Palmerston to Her Majesty's Commissioners.

GENTLEMEN, *Foreign Office, April* 15, 1841.

I HEREWITH transmit to you for your information six copies of a Treaty concluded at Buenos Ayres, on the 24th May, 1839, between Her Majesty and the Argentine Confederation, for the Abolition of the Slave Trade.

The Ratifications of this Treaty were exchanged at Buenos Ayres on the 16th May, 1840.

I am, &c.
(Signed) PALMERSTON.

Her Majesty's Commissioners,
&c. &c. &c.

No. 12.

Viscount Palmerston to Her Majesty's Commissioners.

GENTLEMEN, *Foreign Office, April* 22, 1841.

I HEREWITH transmit to you for your information six copies of a Convention concluded at Port au Prince, on the 23rd December, 1839, by which the Republic of Hayti has acceded to the Conventions for the Suppression of the Slave Trade, concluded between his late Majesty and the King of the French on the 30th November, 1831, and the 22nd March, 1833.

The Ratifications of this Treaty were exchanged at Port au Prince on the 20th October, 1840.

I am, &c.
(Signed) PALMERSTON.

Her Majesty's Commissioners,
&c. &c. &c.

No. 13.

Her Majesty's Commissioners to Viscount Palmerston.

Sierra Leone, January 12, 1841.
MY LORD, *(Received May* 4.)

WE beg leave respectfully to refer to your Lordship's Despatch of the 8th August, 1840, acquainting us that orders would be issued by the Commissioners of the Customs to their principal officer in this port, to admeasure condemned slave-vessels agreeably to the provisions of the 1st and 2nd Victoria, cap. 47, sect. 3, and have now the honour of reporting that the Collector of the Customs here notified to us on the 1st instant, that he was in possession of the orders in question, and prepared to execute the duty required of him by the said Act of Parliament.

In consequence of this arrangement, we have done away with the temporary appointment of Admeasurer to the Courts, made under the circumstances stated in our Despatch of the 29th July, 1840, the duties required of that officer being now executed by the department of the Customs, to which, however, we pay the same fee (£3) from the proceeds of prizes for this service, as we mentioned in the Despatch alluded to had been granted to the acting Admeasurer.

We have, &c.
(Signed) JOHN JEREMIE,
WALTER W. LEWIS.

The Right Hon. Viscount Palmerston, G.C.B.,
&c. &c. &c.

No. 14.

Her Majesty's Commissioners to Viscount Palmerston.

Sierra Leone, January 18, 1841.

My Lord, (*Received May* 4.)

We have the honour of acquainting your Lordship that the two United States men-of-war, the "*Dolphin*" and the "*Grampus*," reported to your Lordship on the 20th February of last year as having arrived on this coast to cruize for the suppression of the Slave Trade as prosecuted under the flag of the States, have again returned to this coast from New York, to which port they retired during the last rainy season.

These vessels are commanded by Commander C. H. Bell, and Lieutenant-Commander Payne, the same officers who brought them to the coast last year, and who have now a similar object in view as formerly, the suppression of the Slave-traffic.

The "*Dolphin*" left this harbour on her cruize on the 14th instant, and the "*Grampus*" on the 16th.

We have, &c.
(Signed) JOHN JEREMIE.
WALTER W. LEWIS.

The Right Hon. Viscount Palmerston, G.C.B.,
&c. &c. &c.

No. 15.

Her Majesty's Arbitrator to Viscount Palmerston.

Sierra Leone, January 22, 1841.

My Lord, (*Received May* 4.)

I have the honour of reporting to your Lordship, that the Collector of Customs has lately declined to clear out hence condemned prize-vessels purchased by foreigners, in consequence of an order issued to him by His Excellency Governor Sir John Jeremie; and as vessels which have not cleared at the Custom-house are by the local laws prevented from leaving the port, this arrangement entirely prevents foreigners of all classes from becoming the purchasers of condemned vessels.

It is to be feared that the advantages contemplated by the arrangement in question, namely, that of preventing the return of prizes to the Slave Trade, will not be secured; inasmuch as there is nothing to prevent foreigners conducting such purchases through the agency of residents here, who can then transfer the vessels to their foreign employers on getting beyond British jurisdiction.

How far this arrangement is consistent with the existing relations between England and friendly foreign powers is for your Lordship's consideration.

I have, &c.
(Signed) WALTER W. LEWIS.

The Right Hon. Viscount Palmerston, G.C.B.,
&c. &c. &c.

No. 16.

Her Majesty's Arbitrator to Viscount Palmerston.

Sierra Leone, January 30, 1841.

My Lord, (*Received May* 4.)

I have the honour to report to your Lordship that Her Majesty's acting Commissioner, Sir John Jeremie, left Freetown on the 26th instant, on a visit to the upper parts of this river, and as the time of His Excellency's return is rather uncertain, and there are now two cases in the British and

Spanish Mixed Court, which will be ready for adjudication on Monday, the 1st February, I was led to call upon the acting Chief Justice temporarily to fill the place of His Excellency, in order that the business of the Commissions might not be delayed.

Mr. Hook, the Chief Justice *ad interim*, was accordingly sworn into office as Her Majesty's acting Commissioner this morning.

I have, &c.

(Signed) WALTER W. LEWIS.

The Right Hon. Viscount Palmerston. G.C.B.,
&c. &c. &c.

No. 17.

Her Majesty's Commissioners to Viscount Palmerston.

Sierra Leone, January 30, 1841.

My Lord, (*Received May* 4.)

We have the honour to report to your Lordship that Lieutenant Hill, the commander of Her Majesty's brig "Saracen," has acquainted us that he has received orders from the Lords Commissioners of the Admiralty to furnish us with a list of the Slave Trade papers issued to Her Majesty's brig under his command; and that Lieutenant Hill has accordingly furnished us with a list of the same, which we have lodged in the archives of our office.

This order from the Admiralty we suppose has been a circular one, addressed to all the naval commanders on the African station.

We have, &c.

(Signed) WALTER W. LEWIS.
E. HOOK.

The Right Hon. Viscount Palmerston, G.C.B.,
&c. &c. &c.

No. 18.

Her Majesty's Commissioners to Viscount Palmerston.

Sierra Leone, Februarg 13, 1841.

My Lord, (*Received May* 4.)

We have the honour of acknowledging your Lordship's Despatch of the 21st December last, transmitting, for our information and guidance, copies of a correspondence which has passed between your Lordship's office and the Admiralty, respecting the commanders of Her Majesty's cruizers furnishing us with a list of the Treaties under which they have been appointed to seize vessels engaged in the Slave Trade, so as to prevent delay in the adjudication of their prizes by the Mixed British and Foreign Courts established here; and for which communication we beg leave to thank your Lordship.

In the Despatch which we had the honour of addressing to your Lordship on the 30th ultimo, we reported that the commander of Her Majesty's brig "Saracen", had forwarded to us a certified list of the Treaties under which that cruizer was entitled to make seizure of vessels employed in the Slave Trade, and which appears to have been in conformity with the arrangements agreed upon in the correspondence with the Admiralty above referred to.

We shall look for similar communications from the commanders of all Her Majesty's cruizers, as they may come into possession of the Admiralty orders upon this subject.

We have, &c.

(Signed) WALTER W. LEWIS.
E. HOOK.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

No. 19.

Her Majesty's Commissioners to Viscount Palmerston.

Sierra Leone, February 13, 1841.

MY LORD, (*Received May* 4.)

WE have the honour to acknowledge the receipt of your Lordship's Despatch of the 16th December last, acquainting us that it had been stated to your Lordship, that an opinion prevailed at Sierra Leone that the health of the Settlement is affected by the effluvia which proceeds from the dismembered parts of condemned slave-ships, cut into pieces according to the present practice, and sometimes lying for a considerable time exposed to the action of the sun.

Of the existence of such an opinion in this Colony as that which your Lordship has mentioned, we beg leave to state, we were in entire ignorance until the receipt of your Lordship's Despatch; and although we have used every diligence in making inquiries, we have failed in discovering any person who has ever heard of such an opinion.

The Surgeon to the Courts, who has resided in the Colony for many years, has reported to us on this subject, that "he has seldom heard of an opinion so totally opposed to facts and probabilities."

From two of the Church Missionaries who have lately resided respectively nine and twelve months at their Institution, within 300 or 400 yards of the beach on which the prizes are cut up, we have received notes expressive of their astonishment that such an opinion should have been said to prevail in the Colony; and that they had never in any way experienced inconvenience from their proximity to the scene of these operations.

The Marshal of the Court has explained to us, that the instant a prize is cut through, the two parts fall over on their sides and their lower parts fill with the sea, whereby bilge-water, and any other nuisance which might be in the hold, is instantly diluted or swept away, thus removing at once all chance of effluvia; and that in no case will a vestige of any prize be seen after fourteen days from the time of cutting up.

We would also beg to state, that the bay in which the prizes are cut up was selected with every regard to the convenience of the inhabitants of Freetown, it being more than a mile to leeward of the town; and that, had any real inconvenience resulted from the practice, or the health of the Settlement been at all affected by it, Her Majesty's Commissioners must have heard of the opinions to this effect, when it would have been their duty to have noticed the same, and submitted for your Lordship's approval such measures as appeared calculated to remedy the evil.

In conclusion we would observe, that, when Fourah Bay was selected in July 1836 as the place for cutting up prizes, it had a clear, sandy beach, which, up to the present moment, has retained its character, notwithstanding the number of prizes destroyed there, and that in our opinion there is no reason whatever to consider the report which has reached your Lordship to be well founded.

We have, &c.

(Signed) WALTER W. LEWIS.
E. HOOK.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

No. 20.

Viscount Palmerston to Her Majesty's Arbitrator.

SIR, *Foreign Office, May* 8, 1841.

I HAVE received your Despatch of the 30th January last, reporting the steps you had taken for supplying the temporary vacancy caused in the Mixed Courts by the absence of the Acting Commissioner Jeremie from Sierra Leone: and I have the satisfaction to acquaint you that I approve the conduct you adopted on that occasion.

I am, &c.

Walter William Lewis, Esq. (Signed) PALMERSTON.
&c. &c. &c.

No. 21.

Lord Leveson to Her Majesty's Commissioners.

GENTLEMEN, *Foreign Office, May* 11, 1841.

WITH reference to Mr. Lewis's Despatch of the 8th September last, reporting that the Acting Judge Doherty and Acting Registrar Miller were ill, and that the Chief Justice and Mr. Bidwell had been sworn in to act respectively as Judge and as Registrar, I am directed by Viscount Palmerston to observe to you, that the Despatches from Her Majesty's Commissioners do not state the period when either Colonel Doherty or Mr. Miller resumed their duties in the Mixed Courts of Commission.

I am to desire that you will for the future be very exact in stating the dates upon which the Acting Officers of the Court discontinue and resume their duties, as precise information on these points is necessary to enable the Secretary of State to determine as to the amount of remuneration which may be due for the services in question.

I am, &c.
(Signed) LEVESON.

Her Majesty's Commissioners,
&c. &c. &c.

No. 22.

Viscount Palmerston to Her Majesty's Commissioners.

GENTLEMEN, *Foreign Office, May* 12, 1841.

I HEREWITH transmit to you a copy of a communication from Her Majesty's Commissioners at the Havana, containing their Report of the case of the Spanish schooner "*Segunda Rosario,*" condemned in the Mixed Court of Justice at the Havana on a charge of Slave Trade.

I transmit to you, in original, the Papers forming Enclosure No. 4 and Enclosure No. 5 in that communication.

Enclosure No. 4 is a Paper certifying that 40 slaves were shipped on board the "*Segunda Rosario,*" by Isabella Lightbourn of Rio Pongo, and the whole of that Paper, including the signature, appears to be in one and the same handwriting, and purports to be signed by "*Isabella Lightbourn:*" but the whole of Enclosure No. 5, including the signature, is evidently in the same handwriting as Enclosure No. 4, and yet it purports to be signed by "*B. Campbell,*" calling himself a British merchant.

It appears therefore probable that this Mr. Campbell may have been implicated in this Slave Trade transaction; and I have to desire that you will make inquiries into this case, and that you will endeavour to find out, and will report to me, what share, if any, the said Mr. Campbell has in Mrs. Lightbourn's slave-dealings.

I am, &c.
(Signed) PALMERSTON.

Her Majesty's Commissioners,
&c. &c. &c.

Enclosures in No. 22.

Havana Commissioners' Despatch of February 26, 1841, *and original Papers enclosed.*

(See No. 146.)

No. 23.

Viscount Palmerston to Her Majesty's Commissioners.

GENTLEMEN, *Foreign Office, May* 17, 1841.

I HAVE received your Despatch of the 13th of February last, in reply to my Despatch of the 16th of December, 1840, respecting an opinion which had been expressed, that the health of the settlement at Sierra Leone is

affected by the effluvia which proceeds from the fragments of condemned slave-ships, broken up according to the present practice, and sometimes lying for a considerable time exposed to the action of the sun.

The statement in your above-mentioned Despatch is very satisfactory, and contains a sufficient answer to the report which had prevailed upon this subject.

I observe you mention in your Despatch that after fourteen days from the time of cutting up a condemned vessel no vestige of her is to be seen on the beach; and I should be glad to know whether you mean that the wreck is swept away by the sea, or that the timbers are carried off by the neighbouring inhabitants.

I am, &c.

Her Majesty's Commissioners, &c. &c. &c. (Signed) PALMERSTON.

No. 24.

Her Majesty's Arbitrator to Viscount Palmerston.

Sierra Leone, February 17, 1841.

My Lord, (*Received May* 21.)

Referring to the Despatch which I had the honour of addressing to your Lordship on the 30th ultimo, reporting the absence from the colony of Her Majesty's Acting Commissioner, Sir John Jeremie, and that the Chief Justice *ad interim* had temporarily assumed the place of His Excellency in the Mixed Courts, I now beg leave to acquaint your Lordship that His Excellency returned to the colony on Sunday the 14th instant, and resumed his office of Acting Commissioner on the following day.

I have, &c.

(Signed) WALTER W. LEWIS.

The Right Hon. Viscount Palmerston, G.C.B., &c. &c. &c.

No. 25.

Viscount Palmerston to Her Majesty's Commissioners.

Gentlemen, *Foreign Office, May* 24, 1841.

I herewith transmit to you, for your information and guidance, a Copy of a letter which, by my directions, has been addressed to the Secretary to the Admiralty, respecting the search and detention of vessels bearing the flag of the United States of America, and suspected of Slave Trade.

I am, &c.

Her Majesty's Commissioners, &c. &c. &c. (Signed) PALMERSTON.

Enclosure in No. 25.

Lord Leveson to the Secretary to the Admiralty.

Sir, *Foreign Office, May* 18, 1841.

I have laid before Viscount Palmerston your letter of the 3rd instant, enclosing copies of the instructions which have been given to the Commanding Officers of Her Majesty's cruizers "to abstain from capturing American vessels engaged in Slave Trade." And I am to request that you will state to the Lords Commissioners of the Admiralty, that Lord Palmerston is of opinion that, where there is good reason to suspect that a vessel met with by Her Majesty's cruizers may not be American, and may be engaged in Slave Trade, the mere fact that she hoists an American flag ought not to protect such vessel from being boarded, for the purpose of examining her papers; and that, if such vessels shall be found to have on board American papers which are evidently irregular and imperfect, or if, having regular American papers on board, she shall also have papers of another country, which has conceded to Great Britain the right of search, such vessel ought, in either of those cases, to be searched; and vessels so circumstanced, if upon search they are found to be equipped for Slave Trade, or to have slaves on board, ought to be detained, and to be sent in for adjudication to the proper tribunal, according to the nature of the case—that is to say, if the vessel so detained shall not have papers sufficiently regular to entitle her to claim the protection of the flag of any nation, she should be sent to a British Court of Admiralty or Vice-Admiralty, under the provisions of the Act of the 2nd and 3rd Vic., cap. 73; and if she should have papers proving her to be entitled to the protection of the flag of any country which has conceded to Great Britain the mutual right of search, she

should be dealt with in the manner prescribed by the Treaty concluded between Great Britain and that country.

I am to add, for the information of the Lords of the Admiralty, that Her Majesty's Advocate-General concurs in opinion with Lord Palmerston upon these points.

I am, &c.

The Secretary to the Admiralty. (Signed) LEVESON.

No. 26.

Viscount Palmerston to Her Majesty's Commissioners.

GENTLEMEN, *Foreign Office, May* 26, 1841.

WITH reference to Mr. Lewis's Despatch of the 22nd January, 1841, respecting an order issued by Governor Jeremie, prohibiting condemned prize-vessels, purchased by foreigners, from being cleared out from Sierra Leone, I herewith transmit to you, for your information, a Copy of a communication from the Colonial Office upon this subject.

I am, &c.

Her Majesty's Commissioners, &c. &c. &c. (Signed) PALMERSTON.

First Enclosure in No. 26.

Mr. Vernon Smith to Lord Leveson.

MY LORD, *Downing Street, 17th May*, 1841.

HAVING laid before Lord John Russell your letter of the 11th instant, with the Copy therein enclosed of a Despatch from Mr. Lewis, Her Majesty's Chief Commissioner at Sierra Leone, on the subject of the order which has been given by the Governor to the Collector of Customs there to refuse clearances to condemned prize-vessels purchased by foreigners, I am directed to request that you will refer Viscount Palmerston to the Report of the Law Officers of the Crown upon that question, of which I transmitted to you a copy in my letter of the 28th ultimo, and that you will state to his Lordship that a copy of that Report has been transmitted to the Governor, for his information and guidance.

I am, &c.

Lord Leveson. (Signed) R. VERNON SMITH.

Memorandum.

Substance of the Communication referred to in the preceding Letter.

THE Law Officers were asked whether the Governor of Sierra Leone was justified in instructing the Collector of Customs to refuse clearances to vessels circumstanced as was the schooner "*Aigle.*"

They reported their opinion, that the Collector would be justified in refusing a clearance to a vessel which, within the words of any Treaty with Foreign Powers, shall be deemed to be fitted up for the Slave Trade; but that the existence of any circumstance which would not bring a ship within that description, although such circumstance might give rise to a suspicion of an intention to use her for that traffic, would not justify the Collector in refusing a clearance. As regards the particular case of "*L'Aigle,*" which appears to have been no otherwise fitted up for the Slave Trade than as she was sold under the sentence of condemnation, they said that they were of opinion that the circumstances stated were not sufficient to justify the refusal of a clearance.

No. 27.

Her Majesty's Commissioners to Viscount Palmerston.

Sierra Leone, March 8, 1841.

MY LORD, (*Received May* 29.)

WE have the honour to acknowledge the receipt of your Lordship's Despatch of the 16th January last, transmitting to us a Copy of an extract from a Despatch from Colonel Doherty, the late Governor of Sierra Leone, to Her Majesty's Secretary of State for the Colonial Department, upon the condition of the liberated Africans in this Colony, and conveying your Lordship's instructions that persons of that class should be employed in the Mixed Commissions, either as messengers, servants, clerks, or otherwise, wherever their services can be made available.

In obedience to your Lordship's directions, we have issued the necessary directions for liberated Africans being so employed, whenever vacancies occur amongst the persons now engaged.

In so doing, we consider it is but justice to those who have preceded us in the Commissions as well as to ourselves, that we should offer some explanation of the practice which has hitherto prevailed.

We will, therefore, with your Lordship's permission, state how the several appointments at the disposal of the Commissioners have been and are now filled up.

Since the practice has been discontinued of appointing European clerks to the Registry Office, the Commissioners have selected the most competent coloured persons they could obtain for the three clerkships therein, and at the present moment those situations are respectively filled by the descendants of a Nova Scotian, a Maroon, and an American settler. With this arrangement Colonel Doherty was well acquainted, and also that it is the best which could be made with any regard to the efficiency of the department. Among the liberated Africans there is no person to be found sufficiently educated to fill the office of a clerk, with the exception of one or two lads who have been educated in England, and who are otherwise engaged. That Colonel Doherty had not found any of the liberated Africans suited to the office of clerk, is to be inferred from the fact that there is not in any of the Colonial Offices—not even in the Liberated African Department itself—one of this class so employed. Nor does it appear from the extract of his Despatch, that he suggested their being employed as clerks.

The messenger of the Mixed Commissions, who has filled the place for years past, is a liberated African, as the majority of his predecessors have been.

The two housekeepers at the Registry and the Commissioners' Offices are Kroomen, who have each of them been employed under the Commissions for more than ten years past.

Twelve years ago half a dozen healthy liberated Africans were selected for the purpose of being trained as a boat's crew for the Mixed Commissions, and after infinite trouble to the registrar they became somewhat useful, and then, feeling themselves competent, one by one they deserted us, and engaged in colonial crafts, in fishing-boats and otherwise, where a larger remuneration awaited their less regular and constant labours.

A second attempt to establish a liberated African boat's crew was subsequently made by Mr. Lewis, when registrar, by hiring such persons from the fishing-boats; but this proved equally unsuccessful with the previous one, though higher wages were offered to them than is given to the crew of Timmanee men, who have been employed since that time.

The Timmanees, it is to be observed, my Lord, are the aborigines of the Colony, and as such would seem deserving of some if not equal consideration with the liberated Africans.

The situations to which we have now referred form the whole of those to which the Commissioners appoint, and all that liberated Africans could be presumed to be capable of filling.

The means of suitably educating the liberated Africans for clerkships do not exist in this Colony, and there are but very few indeed of the elders of this class who are yet in a condition to send their children to schools in England, which seems to furnish a better reason why these people are not so engaged, than Colonel Doherty's impression as to the indisposition of Government Officers to patronise them.

We think it is right to explain to your Lordship, that as regards in-door servants, inquiry would establish the contrary of what Colonel Doherty has stated on this subject. For of that class generally in the Colony, we are of opinion that the far greater portion are liberated Africans, and the remainder chiefly descendants of the aborigines, or children of the tribes surrounding the Colony; and certainly, among the gentlemen connected with the Commissions, nearly the whole of their servants will be found to be liberated Africans.

In conclusion, we would beg to add, that a principal cause why liberated Africans are not even more generally employed as servants and in other capacities, is to be found in their extraordinary love of trading (a kind of life requiring no great exertion), which induces them the moment they have accumulated a few dollars in any situation they may hold to quit that employment and become hawkers, and also in the indisposition of the rising generation to engage in any menial capacity.

We have been thus particular, in order that your Lordship should be in

possession of a correct view of the question, and that those holding offices in this Colony under your Lordship should be relieved of what, we hope, will appear to have been unmerited reflection.

We have, &c.
(Signed) J. JEREMIE.
WALTER W. LEWIS.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

No. 28.

Her Majesty's Arbitrator to Viscount Palmerston.

Sierra Leone, April 8th, 1841.
(*Received June 16th.*)

My Lord,

On the 6th instant there were three slave-vessels before the Mixed Courts awaiting adjudication, two of which had been somewhat delayed by the illness of which I was then convalescent, when I had the misfortune to find my colleague, Governor Sir John Jeremie, confined by fever. Under these circumstances, I felt it necessary to call upon Mr. Acting Chief-Justice Hook to take the place of the Governor until his recovery; and Mr. Hook accordingly assumed the office of an Acting Commissioner, and assisted on the 6th instant in the adjudication of the three slave-vessels above alluded to, all of which proved cases of condemnation.

I have, &c.
(Signed) WALTER W. LEWIS.

The Right Hon. Viscount Palmerston, G.C.B.,
&c. &c. &c.

No. 29.

Her Majesty's Commissioners to Viscount Palmerston.

Sierra Leone, April 15, 1841.
(*Received June* 16.)

My Lord,

We have the honour herewith to enclose for your Lordship's information a printed Copy of an Act lately passed by the Board of the Governor and Council of this Colony for granting additional duties of customs, whereby a further duty of one per cent. will be hereafter levied upon the proceeds of the sale of all prize-goods and vessels condemned by the Courts of Mixed Commission, over and above the three per cent. hitherto paid.

The object with which this additional duty has been so imposed, your Lordship will learn from the enclosed Copy of the Act of the Governor and Council, is more fully to encourage innocent and useful trade among the Timmanees, a race of people settled on our north-eastern boundary, and part of whom are the aborigines of this Colony.

We have, &c.
(Signed) WALTER W. LEWIS.
E. HOOK.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

Enclosure in No. 29.

Sierra Leone.—In the Fourth Year of the Reign of Her Majesty Queen Victoria, Sir John Jeremie, Knt., Governor. At a Council held on the Twenty-ninth day of March, in the year of our Lord one thousand eight hundred and forty-one.

An Act for granting additional Duties of Customs.

Whereas by Treaty entered into at Port Logo on the 13th day of February in the year of our Lord 1841, between His Excellency Sir John Jeremie, Knt., Captain-General and Governor-in-Chief in and

over the Colony of Sierra Leone and its dependencies, and the Honourable Robert Hornell, the Honourable William Cole, and the Honourable William Fergusson, Members of the Board of Council of Sierra Leone, in behalf of Her Majesty the Queen of England, on the one part;—and Alimamee Dalu-Mahomadoo, chief of Medina on the Bullom shore, Naminah Lahai, Brimah Kayelle, and Brimah Luke, authorized hereunto by the Alikarlie, and assembled chiefs of the Timmanees, on behalf of the Timmanee people, on the other part;—it was, among other things, stipulated and agreed, that "still more fully to encourage innocent and useful trade among the Timmanees, the Queen of England consents to pay to the Chief of the Timmanees, for himself and the remaining Chiefs, one pound on every one hundred pounds in value of all those goods imported into the Colony of Sierra Leone, which now pay three pounds for every one hundred pounds to the use of the Colony; or such a per centage on the said goods as would, on an average of the last three years, produce one thousand pounds a-year, which rate per cent. shall not (when ascertained by the Collector of Customs) hereafter be varied."

And whereas it is necessary that provision should be made for carrying the said stipulation into effect.

Be it therefore enacted by the Governor and Council, that from and after the passing of this Act there shall be raised, levied, collected, and paid in the said Colony of Sierra Leone, unto Her Majesty, her heirs and successors, an additional duty of one per cent. upon all goods, wares, and merchandize now paying the three per cent. duty as by law already established, which said additional duty shall be disposed of in the manner set forth in the said Treaty.

No. 30.

Her Majesty's Commissioners to Viscount Palmerston.

Sierra Leone, April 21, 1841.
(*Received June* 21.)

My Lord,

We have the honour to enclose herewith, for your Lordship's information, an extract of a letter lately received from our old correspondent to windward on the state of the Slave Trade, as carried on between this colony and the British settlements on the Gambia, and at the French settlements of Goree and Senegal.

From the general correctness of our informant's reports hitherto, we are led to attach such importance to his present communication as to be induced to lay the extract of the same before your Lordship.

We have also communicated to the Officer commanding on the Sierra Leone station that portion of our correspondent's letter which relates to the Slave Trade of the Rio Nunez and Rio Pongos, of Bissão, and of the French settlements up the Cazamança, as well as that the slaves are conveyed in bodies from the latter place to Senegal, where they are disposed of at public auction; their purchasers receiving them as apprentices for 14 or 21 years.

It may be apprehended that these collections of negroes in Senegal, where we believe their services are not needed, is in some way connected with supplying the labour-market of one or other of the French West Indian colonies.

The injury which this active state of the Slave Trade is likely to inflict upon the lately increasing lawful commerce carried on to windward of this colony, will be readily comprehended.

We have, &c.

(Signed) WALTER W. LEWIS.
E. HOOK.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

Enclosure in No. 30.

Extract of a Letter addressed to Mr. Lewis.

——— *April* 7, 1841.

Relative to Slave Trade matters in this neighbourhood, the breaking up of the Spanish factories at the Gallinas appears likely to increase the traffic at Bissao and the Rio Pongas. We hear of frequent arrivals and departures of slave-vessels from the former place; and in the Rio Pongas two vessels have lately arrived for slaves, and a third, a vessel from the Canaries, touched there on her way to Sierra Leone, whither it is said she is gone to purchase goods, and return to the Pongas with those goods to purchase slaves.

I must inform you that the French are by no means rigidly adhering to their Slave-Trade Treaty engagements with Great Britain. It has frequently come under my observation that the French traders purchase slaves and ship them off two or three at a time to Goree and Senegal by the numerous small colonial vessels which visit the Rio Nunez; and I have long been acquainted with the fact, derived from information received from the French traders of Goree and Senegal, that large numbers of slaves are annually purchased in Senegal from the interior traders by all classes of the

inhabitants of that place; that after being purchased they are carried before some government authority, registered, and indentures of apprenticeship made out for 14 and 21 years. But this I fear is but a blind, for I have never yet met with a black man from the French settlements who was not a slave to some one there, excepting some few, who by their good fortune and good conduct have been employed by the merchants of Sierra Leone and the Gambia, and saved sufficient of their earnings to purchase their freedom: this accomplished, they return to their families and connexions in the French settlements, and I have reason to believe their personal freedom is then respected.

At the new French settlements in the River Cazamança the trade is carried on by a company, and this company purchase at their factories all the slaves that are offered for sale. The great dealers in slaves from the interior are the Serakoolets and the Mandingoes, and they are also the gold-traders. Now, these people, before leaving the interior for the water-side, for mutual protection in the countries they have to pass through, unite in large bodies or caravans, and, when sufficiently strong, they proceed on their journey. Of course some have gold for sale, some slaves, some ivory: now, if they can find factories where the united body can make trade for the gold, slaves, &c., they naturally give those factories the preference; and this they can do at the French factories on the Cazamança. But at the British factories in the Rio Nunez and at the Gambia they are not able to sell their slaves, therefore the caravan gets broken up, the gold-traders soon finish their trade, and are then anxious to return; but the holders of slaves sometimes remain months, waiting probably for some particular merchandize they do not meet at the slave factories, or to recruit the health and strength of their unfortunate slaves, who frequently arrive from the interior in a most emaciated state, and are then unsaleable. Hence the factories of the French in the Cazamança are now flourishing, and when they have collected a sufficient number of slaves, the agent of the company in Senegal applies to the government for a vessel of war to convoy these slaves to the Senegal, which is always granted; and on the arrival of the slaves in that settlement, they are sold at public auction for the benefit of the company, and handed over to the purchasers on *apprenticeship for fourteen or twenty-one years.*

No. 31.

Her Majesty's Commissioners to Viscount Palmerston.

Sierra Leone, April 27, 1841.
(*Received June* 21.)

My Lord,

With reference to the Despatch which I had the honour of addressing to your Lordship under date of the 8th instant, reporting the illness of my then colleague, Governor Sir John Jeremie, and the arrangement which it was found necessary to make for supplying his Excellency's place in the Commissions, it now becomes my painful duty to announce to your Lordship that Sir John Jeremie, after an illness of nearly 22 days, died on the 23rd instant, universally regretted by all classes of Her Majesty's subjects here.

Under the provisions of the Charter of this colony, the Queen's Advocate, Mr. Carr, has succeeded the late Sir John Jeremie in the administration of this government; and to-day his Honour took the necessary oaths of office for qualifying him to enter upon the duties of the vacant office of Her Majesty's Commissioner *ad interim.*

I have, &c.
(Signed) WALTER W. LEWIS.

The Right Hon. Viscount Palmerston, G.C.B.,
&c. &c. &c.

No. 32.

Viscount Palmerston to Her Majesty's Commissioners.

Gentlemen, *Foreign Office, July* 26, 1841.

I have received your Despatch of the 16th December, 1840, suggesting that the crews of condemned slave-vessels should be held in custody at Sierra Leone until opportunities may offer for sending them to the country to which they belong, in order that they may be punished according to the laws of such country; but I have to acquaint you that your suggestion cannot legally be carried into effect, because the Treaties between Great Britain and foreign powers on Slave Trade do not authorize the imprisonment of the subjects of those powers; and therefore the persons mentioned in your Despatch could not be kept in confinement at Sierra Leone, either on shore or on board a hulk.

It is obvious, moreover, that even if such persons could legally be confined as prisoners, it would be useless to send them to the countries to which they

belong, unless they could be accompanied by such evidence as might be necessary to convict them in a court of law.

I am, &c.
(Signed) PALMERSTON.

Her Majesty's Commissioners,
&c. &c. &c.

No. 33.

Viscount Palmerston to Her Majesty's Commissioners.

GENTLEMEN, *Foreign Office, July* 31, 1841.

I HEREWITH transmit to you, for your information, a copy of a letter, which, by my direction, has been addressed to the Admiralty on the subject of sending to England foreigners charged with the crime of Piracy of Slave Trade; and a copy of the answer which has been returned by the Admiralty to that communication.

I am, &c.
(Signed) PALMERSTON.

Her Majesty's Commissioners,
&c. &c. &c.

First Enclosure in No. 33.

Lord Leveson to Sir J. Barrow.

SIR, *Foreign Office, July* 22, 1841.

WITH reference to the several communications which have been addressed from the Admiralty to this office within the last two or three years, reporting instances in which individuals of foreign countries, charged with the crime of Piracy of Slave Trade, have been sent to England by commanding officers of Her Majesty's navy, with a view that such individuals should be brought to trial for the crime they may have committed;—I am directed by Viscount Palmerston to request that you will suggest to the Lords Commissioners of the Admiralty the expediency of drawing the attention of the commanding officers of Her Majesty's cruizers to the inconvenience which is likely to arise from sending home such individuals without any other evidence than written statements of the crimes with which they are charged; and Lord Palmerston desires me to suggest, that in cases where individuals charged with crimes may thus be sent to England to be brought to justice, it would be proper to send home with them two or three individuals at least, who may be able to give verbal testimony as to the facts alleged.

I am, &c.
(Signed) LEVESON.

Second Enclosure in No. 33.

Mr. Parker to Lord Leveson.

MY LORD, *Admiralty, July* 23, 1841.

HAVING laid before my Lords Commissioners of the Admiralty your Lordship's letter of the 22nd instant, suggesting that in cases where individuals of foreign countries charged with the crime of piracy, of Slave Trade, or other crimes, may be sent to England to be brought to justice, it would be proper to send home with them two or three individuals at least who may be able to give verbal testimony as to the facts alleged, I am commanded by their Lordships to acquaint you, for the information of Viscount Palmerston, that my Lords concur in the suggestion, and have given the necessary orders for the same being complied with.

I am, &c.
(Signed) J. PARKER.

Lord Leveson,
&c. &c. &c.

No. 34.

Her Majesty's Commissioners to Viscount Palmerston.

Sierra Leone, June 3, 1841.
(*Received July* 31.)

MY LORD,

WE had the honour on the 29th ultimo of receiving your Lordship's Despatch of the 4th of March last, transmitting to us four instruments under Her Majesty's royal signature, appointing Mr. Lewis to be Her Majesty's Commissary Judge, Mr. Melville to be Her Majesty's Commissioner of Arbitration, and Mr. Bidwell to be Registrar to the Mixed British and Foreign Courts of Commission established in this colony under the treaties and conventions concluded with Spain, Portugal, Netherlands, and Brazil, for the

suppression of the Slave Trade, and the several Acts of Parliament for carrying those treaties into effect.

On the 31st ultimo Mr. Lewis and Mr. Melville took the oaths prescribed by the above-mentioned commissions of appointment, and the Acts of Parliament, before the Acting Chief Justice, the principal Magistrate of the Colony; immediately after which the prescribed oaths of office for the Registrar were administered in due form to Mr. Bidwell.

At the present moment we have no foreign colleagues here to whom to announce these appointments.

We shall not fail to observe your Lordship's directions of following strictly the line pointed out in the instructions which have heretofore been given by Her Majesty's Secretary of State for Foreign Affairs to our predecessors in these commissions.

We have, &c.

(Signed) WALTER W. LEWIS.
M. L. MELVILLE.

The Right Hon. Viscount Palmerston, G.C.B.,
&c. &c. &c.

No. 35.

Viscount Palmerston to Her Majesty's Commissioners.

GENTLEMEN, *Foreign Office, August* 5, 1841.

I HAVE received your Despatch of the 8th of March last, respecting the employment of liberated Africans in the Mixed Commissions at Sierra Leone; and I have only to desire that you will keep in mind my former instructions to you upon this subject, and that you will employ liberated Africans as messengers, as clerks, or otherwise, whenever you can find any of them fit for such situations and employments.

I am, &c.

(Signed) PALMERSTON.

Her Majesty's Commissioners,
&c. &c. &c.

No. 36.

Viscount Palmerston to Her Majesty's Commissioners.

GENTLEMEN, *Foreign Office, September* 3, 1841.

I HAVE to acquaint you that the Queen has been pleased to confer the seals of the office of Her Majesty's Principal Secretary of State for Foreign Affairs on the Earl of Aberdeen; and I have to instruct you henceforth to address your despatches and letters on public business to his Lordship.

I am, &c.

Her Majesty's Commissioners, (Signed) PALMERSTON.
&c. &c. &c.

No. 37.

Her Majesty's Commissioners to Viscount Palmerston.

Sierra Leone, June 30, 1841.

MY LORD, (*Received September* 20.)

HEREWITH we have the honour to hand to your Lordship the half-yearly list of Slaves emancipated and registered by the Mixed Commissions at this station, between the 1st of January and the 30th of June, 1841.

The number of slaves so emancipated and registered during that period was 290.

We have, &c.

(Signed) WALTER W. LEWIS.
M. L. MELVILLE.

The Right Hon. Viscount Palmerston, G.C.B.,
&c. &c. &c.

Enclosure in No. 37.

ABSTRACT.

	Number Registered.	Number died before Registration, but Emancipated.	Number Emancipated.	Remarks.
Josephina . .	290		290	

Mem.—Number registered up to the 31st December, 1840 51,871
Number registered from the 1st January to the 30th June, 1841 290

52,161

(Signed) C. J. BIDWELL, *Registrar.*

THESE are to certify that the foregoing is a true and correct copy of the original list of slaves registered and emancipated by the Courts of Mixed Commission established at Sierra Leone under the treaties with Foreign Powers for preventing the illicit traffic in slaves, during the period from the 1st day of January to the 30th day of June, 1841.

In faith and testimony whereof I have hereunto set my hand and affixed the seal of the Mixed Commissions at Freetown, in the said Colony, this 30th day of June, in the year of our Lord 1841.

[L.S.] (Signed) C. J. BIDWELL, *Registrar.*

No. 38.

Her Majesty's Judge to Viscount Palmerston.

Sierra Leone, July 5, 1841.

MY LORD, (*Received September* 20)

I HAVE had the honour of receiving your Lordship's Despatch of the 8th of May, approving of the steps I took in January last for supplying the temporary vacancy in the Mixed Courts, caused by the absence up the river of the Acting Commissioner, the late Sir John Jeremie; and beg to thank your Lordship for this communication.

I have, &c.
(Signed) WALTER W. LEWIS.

The Right Hon. Viscount Palmerston, G.C.B.,
&c. &c. &c.

No. 39.

Her Majesty's Commissioners to Lord Leveson.

Sierra Leone, July 5, 1841.

MY LORD, (*Received September* 20.)

WE had the honour on the 3rd instant to receive your Lordship's Despatch of the 11th of May last, in which, with reference to Mr. Lewis's Despatch of the 8th September, 1840, reporting that the Acting Commissioner Doherty and the Acting Registrar Miller were ill, your Lordship observes that the periods when either Colonel Doherty or Mr. Miller resumed their duties is not stated.

We now beg leave to acquaint your Lordship, for the information of Viscount Palmerston, that, upon the occasion above alluded to, the Chief Justice was sworn in on the 8th of September, 1840, and Colonel Doherty resumed his duties on the 15th of September following. Mr. Bidwell acted as Registrar from the 8th to the 10th September, when Mr. Miller was sufficiently recovered to be able again to attend to his office.

We will carefully observe your Lordship's instructions in communicating in all future cases the exact periods at which the acting officers may discontinue and resume their duties.

We have, &c.
(Signed) WALTER W. LEWIS.
M. L. MELVILLE.

Lord Leveson,
&c. &c. &c.

(Extract.)

No. 40.

Her Majesty's Commissioners to Viscount Palmerston.

Sierra Leone, July 5, 1841.
(*Received September* 20.)

We have had the honour to receive your Lordship's Despatch of the 12th of May last, transmitting to us copy of a communication from Her Majesty's Commissioners at Havana on the subject of the condemnation of the Spanish slave schooner "*Segunda Rosario*," as also the original papers, numbered 4 and 5, enclosed in that communication, and which were found on board that vessel at the time of her detention by Her Majesty's ship "Cleopatra." No. 4 being a certificate by Isabella Lightbourn of the Rio Pongas, that 40 slaves had been shipped by her on board the "*Segunda Rosario*;" and No. 5 a certificate of freedom granted to a man named "John Boson," who had shipped as cook on board that slave-vessel, and which last document purports to have been written and signed by Benjamin Campbell, a British merchant, of the *Rio Pongas*.

Your Lordship most justly observes that those two original papers bear the appearance of having been both written by the same person, and under the same circumstances; the water-marks and dates of the paper, as well as the ink, being precisely similar.

On a careful comparison, however, of these documents with others written by Mr. Benjamin Campbell, and now in our possession, we have been compelled to come to the conclusion that these certificates do not bear the remotest resemblance either to Mr. Campbell's ordinary handwriting or his signature.

We beg leave also to mention that Mr. Benjamin Campbell has his mercantile establishment in the Rio Nunez, and not in the Rio Pongas, as the above-mentioned certificate would lead your Lodship to suppose.

We will, however, make every possible inquiry into this matter, and should we succeed in obtaining any further information will immediately submit the same to your Lordship.

No. 41.

Her Majesty's Commissioners to Viscount Palmerston.

Sierra Leone, July 5, 1841.
(*Received September* 20.)

My Lord,

We have had the honour to receive your Lordship's Despatch of the 17th of May last, from which we had much gratification to find that our statements with respect to the report of the effect of the breaking up of condemned slave-vessels on the health of this settlement had been satisfactory to your Lordship.

In reply to your Lordship's inquiry as to the cause of the rapid disappearance of the hulls of these vessels, we beg leave to inform your Lordship that the value of the iron, copper, and such portion of the timbers as can be rendered available for building purposes, and even of the refuse for fuel, which is a scarce article in Freetown, is the chief cause of their being so speedily pulled to pieces, and being removed; though occasionally, when sufficient despatch has not been employed by the purchasers, the fragments of the broken vessels are either swept away by the sea, or disappear in the sands, which seem there to have somewhat of the character of quicksands.

We have, &c.
(Signed) WALTER W. LEWIS.
M. L. MELVILLE.

The Right Hon. Viscount Palmerston, G.C.B., &c. &c. &c.

No. 42.

Her Majesty's Commissioners to Viscount Palmerston.

Sierra Leone, July 5, 1841.
(*Received September* 20.)

My Lord,

We have had the honour to receive your Lordship's Despatch of the 24th of May last, enclosing for our information and guidance a copy of a letter addressed by your Lordship's directions to the Secretary of the Admiralty, respecting the search and detention of vessels bearing the flag of the United States of America, and suspected of Slave Trade; and we beg leave to offer our best thanks for the communication in question.

We have, &c.
(Signed) WALTER W. LEWIS.
M. L. MELVILLE.

The Right Hon. Viscount Palmerston, G.C.B.,
&c. &c. &c.

No. 43.

Her Majesty's Commissioners to Viscount Palmerston.

(*Sierra Leone, July* 5, 1841.)
(*Received September* 20.)

My Lord,

We have had the honour to receive your Lordship's Despatch of the 26th of May last, enclosing copy of a communication from the Colonial Office respecting the order issued by the late Governor Jeremie prohibiting condemned prize-vessels purchased by foreigners from being cleared out from Sierra Leone; and also a copy of the Report of the law officers of the Crown, referred to in that communication.

We beg leave to thank your Lordship for the information afforded us by these documents, and to state that the Acting Governor has received a communication from the Colonial Office to the same effect, and will immediately give the requisite directions thereupon to the head of the Customs Department of this colony.

We have, &c.
(Signed) WALTER W. LEWIS.
M. L. MELVILLE.

The Right Hon. Viscount Palmerston, G.C.B.,
&c. &c. &c.

No. 44.

Her Majesty's Commissioners to Viscount Palmerston.

(*Sierra Leone, August* 2, 1841.)
(*Received September* 20.)

My Lord,

With reference to our Despatch of the 5th of July last, on the subject of certain documents found on board of the slave-vessel "*Segunda Rosario,*" condemned at Havana on the 18th of February, 1841, and which your Lordship had forwarded to us in your Despatch of the 12th of May last, for the purpose of inquiring into what connexion Mr. Benjamin Campbell may have had with the transactions of that vessel, and the slave-dealings of Mrs. Lightbourn, we beg leave to acquaint your Lordship that on the 31st ultimo Mr. Campbell, having come on a visit to the colony, called at our office, when we exhibited to him the document purporting to be a certificate of freedom given by "B. Campbell" to "John Boson," and also communicated the substance of your Lordship's said Despatch; and we have now the honour to

forward herewith copies of two letters which Mr. Campbell addressed to us in consequence of what had transpired on that occasion.

We have, &c.
(Signed) WALTER W. LEWIS.
M. L. MELVILLE.

The Right Hon. Viscount Palmerston, G.C.B.,
&c. &c. &c.

First Enclosure in No. 44.

Mr. Campbell to Her Majesty's Commissioners.

GENTLEMEN, *Freetown, July* 31, 1841.

THE paper document, marked No. 5, and purporting to be a certificate signed by me on the 1st of January, 1841, "that John Boson is a free native of the Rio Pongas," is not in my handwriting, and consequently was not given by me.

I perfectly well recollect, when visiting my factory in the Rio Pongas *three years since*, giving a certificate to a young man of the name of John Boson "that he was a free native of the Rio Pongas;" he had shipped, or was about to ship, himself as a cook on board a Spanish or Portuguese schooner called the "*Eliza*" or "*Elizabeth,*" to the best of my recollection; and he importuned me for this certificate to show that he was not a slave, in the event of the vessel being captured by a British man-of-war, and his being sent to some one of the British islands.

The document No. 5, forwarded to you, and which you have called upon me to explain, is an imperfect copy of the one I gave to John Boson, and has, I fear, been made to represent some other person, as John Boson would not probably part with his certificate; besides, to the best of my recollection, in the certificate I gave I described John Boson's person.

I beg to observe in further explanation that the free natives of these parts (the Pongas and Nunez), when leaving their own territories in search of work, and particularly when going among Spaniards and Portuguese, and even to the French settlements, are always anxious to obtain from some well-known Englishman a certificate of their freedom, and I have in other instances given certificates similar to the one I gave John Boson, the parties obtaining them considering such certificates a safeguard from being sold into slavery, and every one acquainted with the African character is aware what store a native sets on a white man's "good book," and particularly a "free-book."

I have, &c.
(Signed) B. CAMPBELL.

Her Majesty's Commissioners,
&c. &c. &c.

Second Enclosure in No. 44.

Mr. Campbell to Her Majesty's Commissioners.

GENTLEMEN, *Freetown August* 1, 1841.

WITH reference to my letter to you of yesterday's date, explaining, as well as I was able at the moment, how my name came to be made use of in such an unwarrantable manner in the document marked No. 5, which you submitted to me for inspection and explanation, I beg to lay before you the narrative of a circumstance, which I have since brought to mind, that induced several free natives, amongst others John Boson, to apply to me to give them certificates that they are free-born natives (and which prompted me to accede to their solicitations), that they might use the same in the event of any attempt to regard or dispose of them as slaves.

Some few years ago, when the late Edward Jousiffe and the present converted slave-dealer —— were carrying on their operations as partners in the Rio Pongas, the latter person shipped on board a slave-vessel several slaves on his own account, himself taking a passage in the vessel for Havana. Previous to leaving, he induced, by the offer of high wages, two inexperienced young men to accompany him and assist him in taking care of the slaves, one a mulatto, named Christopher Weatherhead, a native of the Rio Nunez, and the son of a deceased English trader, who had resided there many years; the other a young man of the name of Mory, a relative of Mungo Yangy, the late chief of the Rio Pongas.

Shortly after their arrival in Cuba a great mortality took place among the slaves of ——, and upon the ultimate sale of them he found himself very little in pocket by the adventure. Being a man of extravagant habits, he was soon out of pecuniary resources, and was glad to accept the offer of 500 dollars from a merchant in the Havana to navigate an English brig, whose captain and crew had been swept off by fever, to Charlestown, South Carolina, her destination. He proceeded thither accompanied by the young men I have named; and, on delivering up the vessel to the consignee, received the 500 dollars; this sum he soon squandered, and, being again short of money, he had the baseness to sell the two lads for 700 dollars: to effect the sale he was obliged to inveigle the lads some distance from the town to see some (to them) extraordinary sight. On arriving at the place agreed on between himself and the purchaser, the lads were left there under some pretext, Canot promising them to return immediately. The purchaser soon after carried them to a plantation at some distance; here the young men were told the (to them) astounding intelligence that they had been sold by Canot: they expostulated, and declared they were free-born people and would not work as slaves; compulsion was used, and the boys cruelly flogged; still they refused to work, and declared their determination to submit to death rather than live as slaves. The man who had bought them then thought it would be better to dispose of such refractory fellows; and he was not long in finding a purchaser on an estate some thirty or forty miles distant. When transferred to their new master they evinced the same inflexible

determination not to work as slaves, and coercion was again used with as little success as before: their second owner then adopted the same expedient as the first; sent them to a distance, and sold them to a third party: they were again set to work, and again as obstinately refused to work; but in this instance, instead of being tortured, they were carried into the presence of the owner of the plantation, a more respectable character than the preceding ones, who asked their reason for refusing to work. Weatherhead, a young man of mild and rather good manners and address, then told the history of himself and his companion: after being attentively listened to, they were asked if they had with them no document to prove who they were, and that they were really free people; to which they could only reply that, on quitting Africa, they never dreamt of being placed in their present position, that they were inexperienced, and that it was the first time they had ever left their homes.

The new owner, who had paid the enormous sum of 1500 dollars for the lads, believing their story, greatly to his credit put the case into the hands of the State Attorney, who took their depositions, and wrote to their relatives in Africa for a confirmation of their statements. Some of these parties, on receipt of the State Attorney's letter, not being able to read, brought their letters to me to read to them. After a perusal of their contents, in substance nearly as I have above detailed, I felt and took a great interest in the case; the friends and relatives of the lads readily gave me permission to answer the communication in their names, which I did, stating the account the young men had given of themselves, and of the circumstances under which they had left their homes, to be strictly true; that their long absence had caused great uneasiness to their families as to their fate, this converted slave-dealer never having since returned to the Rio Pongas; and I urged strongly the propriety of sending the young men back to their country without delay, as their friends, being then aware that they were held in slavery in the United States, were very likely to detain some of the American vessels resorting to the Rivers Nunez and Pongas to trade. In about six months after forwarding my letter I had the pleasure of seeing both the young men restored to their families, and from Weatherhead I received the above particulars, the result of their unfortunate voyage and connexion with the slave-dealer.

It is almost needless to say, that I received the grateful thanks of both the lads and their friends for being instrumental to their return home. The circumstance created a great sensation among the native and trading community of both rivers, and a much greater importance attached to the effect of my letter in the minds of the natives than it really merited. It is from the above-recited occurrence that, in a great measure, arose the desire on the part of the free labouring natives when hiring themselves to foreigners to obtain from me a certificate of their being free natives of the country.

It was not till after I had closed my communication to you of yesterday that the above circumstance came fully to my recollection. It is now three years since I visited the Rio Pongas, and about the same time has elapsed since I gave a certificate to the *real* John Boson.

I have, &c.
(Signed) B. CAMPBELL.

Her Majesty's Commissioners,
&c. &c. &c.

No. 45.

Her Majesty's Arbitrator to Lord Leveson.

Sierra Leone, August 6, 1841.
(*Received September* 20.)

My Lord,

I HAVE the honour to communicate that Mr. Lewis, Her Majesty's Commissary Judge, having sailed hence on the 4th instant on a visit to Ascension, Mr. Carr, the Acting Governor, was sworn in on the following day as an acting Commissioner during Mr. Lewis's temporary absence.

I have, &c.
(Signed) M. L. MELVILLE.

Lord Leveson,
&c. &c. &c.

No. 46.

The Earl of Aberdeen to Her Majesty's Commissioners.

Gentlemen,

Foreign Office, October 30, 1841.

I HEREWITH transmit for your information 12 Copies of a Series of Papers relating to the Slave Trade, which have been presented to the two Houses of Parliament during the present Session by Her Majesty's command.

I have, &c.
(Signed) ABERDEEN.

To Her Majesty's Commissioners,
&c. &c. &c.

No. 47.

Her Majesty's Arbitrator to Viscount Palmerston.

Sierra Leone, September 6, 1841.
(*Received November* 12.)

My Lord,

I have the honour to acquaint your Lordship that a Commission having arrived here on the 2nd instant, appointing Mr. Fergusson lieutenant-governor of the colony, that gentleman assumed the reins of government on the following day, and on the 4th instant took the oaths of office as an acting Commissioner in the Courts of Mixed Commissions.

I have, &c.
(Signed) M. L. MELVILLE.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

No. 48.

Her Majesty's Commissioners to Viscount Palmerston.

Sierra Leone, September 20, 1841.
(*Received November* 27.)

My Lord,

We have the honour to acknowledge the receipt of your Lordship's Despatch of the 5th August last, respecting the employment of Liberated Africans in the Mixed Commissions; and we beg to assure your Lordship that it will afford us much satisfaction in complying with your Lordship's instructions to employ such persons in the capacity of messengers, clerks, or otherwise, whenever we can find any of them fit for those situations.

We have, &c.
(Signed) W. FERGUSSON.
M. L. MELVILLE.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

No. 49.

Her Majesty's Commissioners to Viscount Palmerston.

Sierra Leone, September 23, 1841.
(*Received November* 27.)

My Lord,

We have the honour to acknowledge the receipt of your Lordship's Despatch of the 26th July last, acquainting us that our suggestion to have the crews of condemned Slave-vessels held in custody at Sierra Leone until opportunities should offer for sending them to be punished by the laws of their own countries cannot be legally carried into effect.

We regret that such is the case, as we know of nothing more likely to check the Slave Trade than the effectual detention and delivery up to justice of the slave crews, who at present are invariably thrown loose on the coast, and help to man many a vessel which otherwise would be unable to carry off her human cargo for want of hands.

We have, &c.
(Signed) W. FERGUSSON.
M. L. MELVILLE.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

No. 50.

Her Majesty's Commissioners to Viscount Palmerston.

Sierra Leone, September 27, 1841.
(*Received December* 4.)

My Lord,

We have had the honour to receive your Lordship's Despatch of the 31st of July last, transmitting to us for our information a copy of a letter on the subject of sending to England foreigners charged with the crime of piracy of Slave Trade, addressed by your Lordship to the Admiralty, and a copy of the answer which had been returned by the Admiralty.

We beg leave to thank your Lordship for this communication.

We have, &c.
(Signed) W. FERGUSSON.
M. L. MELVILLE.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

No. 51.

Her Majesty's Judge to Viscount Palmerston.

Sierra Leone, October 11, 1841.
(*Received December* 4.)

My Lord,

With reference to the Despatch of the 3rd of August last, which I had the honour of addressing to your Lordship, reporting my intention to visit the island of Ascension for the benefit of my health, under the conditional leave of absence for the rainy season, granted to me by your Lordship, I now beg leave to state, that on the 4th of August I quitted the colony with that object, and that yesterday I returned again to my post, and have resumed my duties in these Commissions.

I have, &c.
(Signed) WALTER W. LEWIS.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

No. 52.

The Earl of Aberdeen to Her Majesty's Commissioners.

Gentlemen,

Foreign Office, December 31, 1841.

With reference to Viscount Palmerston's Despatch to you, of the 24th of May last, respecting instructions given for the guidance of Her Majesty's cruizers in dealing with vessels under the United States' flag, and suspected of Slave Trade, I herewith transmit to you, for your information, a copy of a further instruction issued on this subject, by the Lords Commissioners of the Admiralty, to the admirals commanding Her Majesty's naval forces on the Cape of Good Hope and West India stations, and to the senior officers on the West Coast of Africa and the Brazils.

I am, &c.
(Signed) ABERDEEN.

To Her Majesty's Commissioners, Sierra Leone.

Enclosure in No. 52.

Sir John Barrow to the Commanders in Chief and Senior Officers at the Cape of Good Hope, Coast of Africa, West Indies, and Brazils.

SIR, *Admiralty, December 7, 1841.*

I AM commanded by my Lords Commissioners of the Admiralty to send you herewith a copy of a letter from the Under Secretary of State for Foreign Affairs, dated the 27th of last month, on the subject of the conduct to be pursued by the commanding officers of Her Majesty's cruizers towards vessels hoisting the United States' flag, engaged in Slave Trade; and I am to signify their Lordships' directions to you to govern yourself accordingly, and to issue corresponding instructions to the ships and vessels under your orders.

My Lords desire you at the same time to observe that, although the said letter conveys a decided instruction that Her Majesty's cruizers are neither to capture nor interfere with, nor even to visit United States' vessels, whether they shall have slaves on board or not, yet you will perceive by it that it is not intended to allow vessels of other nations to escape visit and examination by merely hoisting an United States' flag: therefore, if one of Her Majesty's cruizers shall fall in with a vessel which may hoist an United States' flag, but which, from intelligence the officer commanding Her Majesty's cruizer may have received, or from her manœuvres, or other sufficient cause, he may have reason to believe does not belong to the United States, he is, if the state of the wind and weather shall admit of it, to go ahead of the suspected vessel, after communicating his intention by hailing, and to drop a boat on board of her (notwithstanding her American colours), to ascertain her nationality, without causing her detention in the event of her proving to be really an United States vessel; but should the strength of the wind or other circumstances render such mode of visiting the stranger impracticable, he is to consider himself authorised to require the suspected vessel to be brought to (merely to admit of her nationality being ascertained), and he will be justified in enforcing it (*if necessary*); understanding always that he is not to resort to any coercive measure until every other means of effecting the required visit shall have failed: and however the said visit may be accomplished, whether by force or otherwise, the officer that boards the stranger is to be instructed merely in the first instance to satisfy himself, by the vessel's papers, or other proofs, of her nationality, and if she proves to be really an United States' vessel, he is to lose no time in again quitting her, offering to note on the papers of the vessel the cause of his suspecting her nationality, and which had alone induced him to insist on visiting her, adding a note of the number of minutes the vessel was detained (if detained at all) for the object in question, such notation to be signed by the boarding officer, specifying his rank and the name of Her Majesty's cruizer; and whether the commander of the United States vessel consent to such notation on the vessel's papers or not (and it is not to be done without his consent), all the said particulars are always to be immediately fully entered in the log-books of Her Majesty's cruizer, and a particular statement thereof is to be sent, addressed to the Secretary of the Admiralty, by the first opportunity direct to England, as desired in the Secretary of State's letter; and also a similar statement to the senior officer of the station; to be forwarded by you also to the Secretary of the Admiralty, for their Lordships' information, accompanied by any remarks you may have reason to make thereon.

Of course, in cases where the suspicion of the commander of Her Majesty's cruizer turns out to be well founded, and the vessel boarded proves, notwithstanding her United States' colours, not to belong to that nation, the commander of Her Majesty's cruizer will, as also directed by the Secretary of State's letter, deal with her as he would have been authorised and required to do, had she not hoisted the United States flag.

I am, &c.
(Signed) JOHN BARROW.

To the Commanders in Chief and Senior Officers at the Cape of Good Hope, Coast of Africa, West Indies, and Brazil.

SIR, *Foreign Office, November 27, 1841.*

I AM directed by the Earl of Aberdeen to request that you will draw the attention of the Lords Commissioners of the Admiralty to the Note addressed by Viscount Palmerston to Mr. Stevenson, on the 5th of August last, on the subject of the vessels "*Jago*" and "*Hero*," a copy of which Note was transmitted to the Admiralty by the directions of Lord Palmerston, in a letter from this office dated the 31st of that month.

In that Note it is stated by Viscount Palmerston, "that positive orders were sent by the Admiralty in February last to all Her Majesty's cruizers employed for the suppression of the Slave Trade not again to detain or meddle with United States vessels engaged in Slave Trade."

I am to request that you will observe to the Lords Commissioners of the Admiralty, that, from the letter addressed on the 8th of February last by Lord Leveson to the Secretary to the Admiralty, it appears that the instructions which their Lordships were requested to issue to Her Majesty's cruizers were to the effect that they should abstain from capturing United States vessels engaged in the Slave Trade; and I am therefore directed by Lord Aberdeen to request that you will move the Lords Commissioners of the Admiralty to send instructions to Her Majesty's cruizers to abstain from detaining or visiting vessels of the United States engaged in the Slave Trade.

I am at the same time to state to you that Lord Aberdeen is desirous, if there should be good reason to suspect that vessels bearing the United States flag are not entitled to carry that flag, that Her Majesty's cruizers should ascertain the fact by visit or otherwise. In the event of the suspicion being confirmed, such vessels would be dealt with according to law and the provisions of treaties; but, on the other hand, if Her Majesty's cruizers should detain or visit any vessel under the flag of the United States which should prove to belong to the Union, Lord Aberdeen requests that the commanding officers should be directed to send home a full Report of all the particulars of the case by the earliest opportunity, not waiting to include it in such regular periodical Report as they may be required to transmit of their proceedings.

I am, &c.
(Signed) CANNING.

SIERRA LEONE. *(Spain.)*

No. 53.

Her Majesty's Commissioners to Viscount Palmerston.

Sierra Leone, October 23, 1840.
(*Received January* 14, 1841.)

My Lord,

Herewith we have the honour to hand to your Lordship our report of the case of the Spanish brigantine "*Palmira*," Narciso Aldavó, master, seized on the 15th ultimo, in 3° 59′ north latitude, and 5° 48′ east longitude, on the ground of her being illegally equipped, by Her Majesty's sloop "Wolverine," Commander William Tucker (b.), and on that charge condemned on the 19th instant.

This vessel was said to be owned by the master, who lately purchased her from the house of Ylisastigue and Vial, of St. Jago de Cuba, for the sum of 2000 dollars, and then fitted her out in that port for a voyage to the Bonny, and embarked a general cargo adapted to the Slave Trade in that quarter. Among the articles cleared were 12 leaguers in shakes, with the requisite iron hoops for setting them up. For the lawful employment of these casks no security appears to have been taken, although the "*Palmira*" was bound to that notorious slaving river the Bonny.

We have, &c.
(Signed) WALTER W. LEWIS.
A. DOHERTY.

ght Hon. Viscount Palmerston, G.C.B.,
&c. &c. &c.

Enclosure in No. 53.

Report of the case of the Spanish Brigantine "Palmira," *Narciso Aldavó, Master.*

Sierra Leone, October 23, 1840.

The brigantine "*Palmira*," when seized, was found to have the following official papers on board, under which she sailed :—

1. Royal Spanish Passport.
2. Muster-roll.
3. Clearance.
4. Bill of Sale.

These papers showed that Narciso Aldavó was owner as well as master of this vessel, having derived his title to the brigantine by a purchase from Messrs. Ylisastigue and Vial for 2000 dollars, (500*l.*,) made on the 10th of July, 1840, at St. Jago de Cuba; that she was navigated under a royal passport issued at St. Jago de Cuba on the 12th of July, 1840, which was to be in force for the term of one year from that date; that she had a crew of 24 persons, was bound to the river Bonny, and had a cargo of spirits, tobacco, snuff, cutlery, beads, &c.

The log-books showed that the brigantine sailed from St. Jago de Cuba on the 13th of July last, and that she anchored for three days at the Cape Verd islands on her way to this coast, where she was detained on the 16th of September ultimo.

There were several private letters and written and printed directions seized with the vessel's papers, but they all proved unimportant.

On the 9th of October instant, the detained vessel anchored in this port, and was immediately visited and reported upon by the Marshal of the Courts, and on the following morning the case was presented to the British and Spanish Mixed Court for adjudication.

The captor's declaration and the ship's papers were then ordered to be filed, the latter having been first

properly authenticated by the prize officer's affidavit; the usual monition was issued, and the witnesses in preparatory were directed to be examined.

The captor's declaration was as follows:—" I, William Tucker, (b.) Esquire, Commander of Her Britannic Majesty's sloop 'Wolverine,' hereby declare that on this 15th day of September, 1840, I detained, in latitude 3° 59′ north, and longitude 5° 48′ east, the vessel named the '*Palmira*,' sailing under Spanish colours, commanded by Narciso Aldavó, who declared her to be bound from St. Jago de Cuba to the river Bonny, with a crew consisting of 24 men, and 1 passenger." And that the said vessel was detained for being illegally equipped in the several respects mentioned.

The witnesses in preparatory were the master and cook of the detained vessel, who were respectively examined by the Registrar on the 12th instant.

Narciso Aldavó, the master of this vessel, in reply to the standing interrogatories, deposed, That " he was born at Barcelona. Has lived during eight years in Cuba. Is a subject of Spain, and has never been a subject of any other state or power. Is not married. He appointed himself to the command, and took possession, at St. Jago de Cuba, during the month of July last. First saw the vessel there four years ago. Believes she was built in North America. He was present at the capture. Does not know why it took place. The vessel sailed under Spanish colours, and there were no others on board. The vessel is called the '*Palmira*.' Never heard of her bearing any other name. Thinks she is of 105 tons burden. There were 22 officers and mariners exclusive of witness, all Spaniards, hired and shipped by witness at St. Jago de Cuba during the month of July. Except himself, none of the officers or mariners had any interest in the vessel or her lading. Did himself own both. Was master on board. There was one passenger, a Spanish boy named Riera—José Riera, as witness thinks, who was sent to sea by his father at Cuba, for the correction, if possible, of bad habits and an unruly temper. He was of course quite unconnected with vessel or cargo. The voyage began and was to end at St. Jago de Cuba, which was the last port of clearance. The vessel touched at the Cape Verd Islands for water, which was procured, with a few provisions, and with 5 hogsheads of tobacco purchased from an American vessel which was lying there. She then proceeded on her voyage, calling at no other place. On the 15th ultimo, at eight o'clock in the evening, the capturing ship was first seen in 4° 0′ north latitude and 9° 0′ east longitude from the meridian of Cadiz. No land was in sight. Capture took place about 11 o'clock that night. Was steering towards the river Bonny at the time. The course was not altered, nor any additional sail made. The course prescribed by the papers had been always adhered to when the weather would permit, except on occasion of the visit to the Cape Verds, which was made for the purpose of procuring water. No guns are mounted on board, but there were eight or ten old cutlasses, six muskets, one pair of pistols, and a quantity of ammunition, witness does not know how much, for defence against pirates. No resistance was made to capture, nor were there any instructions for resisting or avoiding capture, or for destroying or concealing the vessel's papers. He himself was the sole owner of the vessel. There was a bill of sale made in his favour three months ago at St. Jago de Cuba, by Don José Ylisastigui, a Spanish merchant of the island. Does not recollect the names of the witnesses to it. Last saw it on board the capturing ship. The price was 2000 dollars. It was paid, and was a fair equivalent. The transfer was a true one; nor were there any private agreements. He himself was the sole lader, owner, and consignee of the cargo. He knows nothing of the lading of the last voyage. The present cargo consists of aguadente, knives, beads, and tobacco in leaf, snuff, and cigars, of which last there must be 60,000 on board. After capture the vessel was brought direct to Sierra Leone. The passports and other papers were all true and fair. None of the papers were destroyed, concealed, or made away with. There are no writings relating to vessel or cargo in any other country. The vessel and goods are not insured. Some medicines were taken from the detained vessel at the time of capture by an officer from the capturing ship. Does not know what officer he was; whether the surgeon or not."

On the subject of the equipment of the detained vessel the master stated that " the hatches are not fitted with open gratings. The coamings of the hatchways are pierced to receive round iron bars, of which to witness's knowledge none are on board. The holes are now plugged up, although the plugs might be easily driven out. Purchased the vessel in that state. There are two bulkheads, those of the cabin and forecastle, and two bunks or sleeping berths on deck. There are from 20 to 25 spare planks on board, not numbered or fitted to any part of the vessel, some of them 12 and some 20 to 25 feet long, a foot or a foot and a half broad, and an inch and a half in thickness. No part of a second deck is laid. There are no shackles, bolts, or handcuffs on board. There were leaguers and casks on board capable of receiving 15 pipes of water in all, a quantity even insufficient for the ship's company. These casks contained about five pipes of fresh water at the time of capture, and there were besides shakes for 13 leaguers or pipes more, which were destined to receive palm oil. There were no tanks. There were three or four mess kits for the use of the crew. There was one large iron boiler for clarifying the palm oil. There were six cwt. of rice, half a barrel of flour, and five or six bags of beans and calavances, for use of the ship's company. No Indian corn or farina."

The evidence of the cook of this vessel, José Lami, was in every way confirmatory of that given by the master, with the exception of that part containing a charge of one of the officers from the capturing ship having removed some medicines from the prize, to which he gives a decided contradiction, by declaring that " nothing was taken out of the vessel at the time of capture."

Publication passed in the cause on the 13th instant, and on the 16th the sworn report of the surveyors was received on the subject of the vessel's equipment. From this report we learned that the main and after hatchways had their coamings bored for iron hatch-bars. That, in addition to the lawful and necessary divisions in the hold to form accommodation for the crew, there were two moveable sleeping berths on deck, such as are usual in slavers, and not required in this vessel. A quantity of planks unmarked, but adapted to the formation of a slave-deck. More casks than necessary to hold water for the use of the crew, and a 30-gallon boiler in addition to the requisite accommodation for the crew in the vessel's cabouse.

An affidavit of the prize officer stated that he did not take charge of this vessel until she was ready to come to this port, and that in consequence he was unable to reply to the charge preferred by the master of the removal of some medicines from the prize to the capturing ship.

The monition, which issued on the 10th, was returned into Court by the Marshal on the 17th inst., certified to have been duly executed.

On the 16th instant a petition for a day of trial was received, and the 19th was appointed for that purpose. The Court assembled on that day, and having had publicly read the evidence received in

this case, declared that the Spanish brigantine "*Palmira*" had been proved to have been illegally equipped at the time of her seizure, and that no sufficient explanation had been given for her being in that condition. She was accordingly decreed to be a good and lawful prize.

(Signed) WALTER W. LEWIS.
R. DOHERTY.

No. 54.

Her Majesty's Commissioners to Viscount Palmerston.

Sierra Leone, October 26, 1840.
(*Received January* 14, 1841.)

MY LORD,

WE have the honour of reporting to your Lordship that Her Majesty's brigantine "Termagant," Lieutenant Henry F. Seagram, commander, detained on the 5th instant, in 5° 40′ north latitude, and 10° 2′ west longitude, the schooner "*Felicidade*," sailing under the flag and pass of Portugal, on the ground that she was *bonâ fide* Spanish property, and as such unlawfully equipped; on which charges Lieutenant Seagram sent his prize to this colony for adjudication.

The charges against this vessel having been satisfactorily established by the evidence received in the case, a sentence of condemnation was passed upon her on the 24th instant.

Our report of this case we beg leave herewith to enclose to your Lordship.

The passport under which the "*Felicidade*" was navigated when detained was granted originally for a *brigantine* rigged vessel of that name, at Rio de Janeiro, on the 7th February, 1833, by the Portuguese Consul-General at that port, João Baptista Moreira. From that date up to the 2nd June, 1839, we have no account of the proceedings of the vessel for which the passport had been granted; but on that latter date we learn from an indorsement under the hand and seal of the Pro-Consul for Portugal at Havana, Mr. Pasqual Pluma, that the brigantine for which the passport had been granted was then changed in her rig to that of a schooner. The brigantine "*Felicidade*" at the time of her rig being thus changed must therefore have been nearly 7 years old; but as the schooner on board of which this pass was found in use, and under which she was, according to Mr. Pro-Consul Pluma's indorsements, making her second voyage from Havana, has been proved to be nearly a new vessel, it follows, we think, my Lord, that a very convenient adaptation of an old Portuguese passport, for the service of a new American schooner, has in this instance been effected through Mr. Pluma.

We consider this a case of fraud of such a palpable description that we should omit a duty did we not lay before your Lordship the original passport of the "*Felicidade*", (now transmitted), as well as our authority, independent of our conviction, for saying that the vessel, for which that pass had been in use under Mr. Pluma's authority, was not the one described by Consul Moreira in that document, but a new and entirely different vessel.

We will only add that the officers of the Court, whose reports on this subject we have now forwarded to your Lordship, are all acting under oaths of office, and are men of so much experience in respect to nautical affairs as to be unlikely to form incorrect opinions on the points in question.

Felis Cosmé Madail, the master of this vessel in her last voyage from Havana to Bahia and Lagos, is the person now acting as the resident agent at Lagos of the well-known slaving firm of Abreo and Mazorra of Havana, and the person to whom the brig "*Plant*" was by them consigned, as reported in our Despatch of the 8th of September, 1840.

We have, &c.
(Signed) WALTER W. LEWIS.
R. DOHERTY.

The Right Hon. Viscount Palmerston, G.C.B.,
&c. &c. &c.

First Enclosure in No. 54.

Report of the case of the schooner "Felicidade," Francisco Mideiros, master.

Sierra Leone, October 26, 1840.

THIS vessel at the time of her detention was found sailing under a passport granted by João Baptista Moreira, the Portuguese Consul-General at Rio de Janeiro, dated the 7th February, 1833, for the *brigantine* "*Felicidade*," said to be owned and commanded by Justino José Ramos de Faria, and then bound on a voyage to Angola. From the year 1833 until June, 1839, the proceedings of the *brigantine* "*Felicidade*" are not known; but it appears from the certificate of the Pro-Consul for Portugal at Havana, Mr. Pasqual Pluma, that on the 2nd of that month the rig of this vessel was altered into a *schooner;* and on the 8th of June, 1839, Mr. Pro-Consul Pluma further indorsed the passport, to the effect that Felis Cosmé Madail had superseded De Faria in the command, and that the vessel was then bound to Bahia and the river Lagos. A third indorsement of Mr. Pluma, on the 13th August, 1840, removes Madail, and places Francisco Mideiros in command of this vessel for a voyage to Monte Video.

The muster-roll, dated Havana, the 13th August, 1840, stated the schooner to be navigated by 19 persons, and destined to Monte Video.

The customs clearance, which was dated on the day following that of the muster-roll, showed the same destination, and that 34 casks of rice composed the cargo.

The log-book of the vessel is a very imperfect document, not even containing the latitude or longitude in which the vessel was during any one day of the voyage. It showed that the schooner left Havana on the 16th August, and apparently came the direct route to this coast, on which she was captured on the 5th instant.

In addition to the foregoing papers there were three personal passports for the two mates of this vessel, and the passenger, who is described as a mariner. They all state the parties were on their way to Monte Video.

On the 16th instant the detained vessel anchored in this port, and was immediately visited by the Marshal to the Mixed Courts, who made his usual report of the circumstances attending the seizure; and on the following morning this case was presented to the British and Spanish Court for adjudication, when leave was granted for the filing of the ship's papers on their being duly authenticated by the prize-officer, together with the captor's declaration; the monition was ordered to issue, and the witnesses in preparatory were produced for examination.

The declaration of Lieutenant H. F. Seagram of Her Majesty's brigantine "Termagant," stated that, "on the 5th day of October, 1840, being in or about latitude 5° 40′ north, and longitude 10° 2′ west, he detained the schooner named the '*Felicidade*,' sailing under Portuguese colours, commanded by Francisco Mideiros, who declared her to be bound from Havana to the coast of Africa; and that he had so detained the said schooner as Spanish property, under the 10th Article of the Treaty made between His late Majesty and the Queen Regent of Spain, the schooner being equipped for and engaged in the Slave Trade."

On the 21st instant the master of this vessel, Francisco Mideiros, was examined by the Registrar on the standing interrogatories, and deposed as follows: That "he was born in Madeira, where he has since lived. Is a subject of Portugal, and has never been a subject of any other state. Is not married. He was appointed to the command, and had possession given him at Havana during the month of August last by Don Pascual Garcia, a Portuguese or Spaniard, who speaks Spanish like a native. Does not know of what state this person is a subject, but he resides at Havana. First saw the vessel in Havana, when he received command and possession. Does not know where she was built. He was present at the capture, which took place because the hatches were fitted with iron bars. The vessel sailed under Portuguese colours, and there were no others on board. The vessel is called the '*Felicidade*.' Never heard of her bearing any other name. She is of 100 tons burden. There were 15 officers and mariners, exclusive of witness; six of them Portuguese, and the remainder Spaniards, all hired and shipped by the boatswain at Havana during the month of August last. Neither he nor any of the officers or mariners had any interest in the vessel or lading. Was master on board. There was one passenger, named Pascual Garcia, a Spaniard according to his passport, and by profession a seaman, and the same person who gave witness command and possession. He was taken on board at Havana in August, and was destined to any part of the coast at which it might be most convenient for the vessel to land him, witness does not know on what business. He is owner of the vessel, but had no authority on board. The voyage began and was to end at Havana, which was the last clearing port. The vessel touched nowhere during the voyage. He first saw the capturing ship off Grand Bassa, and in sight of land, 15 days ago, at 7 o'clock in the morning. Chase began immediately, by means of the man-of-war's boats, and capture took place at 10 o'clock. The detained vessel was steering for New Sesters at the time. The course was altered and all sail made. The course prescribed by the papers had not been adhered to during the voyage, because it is not permitted to clear out for the coast, it being known that vessels bound thither are engaged in the contraband trade. No guns are mounted on board; but there were 12 cutlasses, 12 muskets, and 20 or 30 parcels of musket cartridges. The vessel was so armed for defence against canoes, and against risings of the slaves. No resistance was made to capture, nor were there any instructions for resisting or avoiding capture, or for destroying or concealing the vessel's papers. Don Pascual Garcia, the passenger, from whom witness received command and possession, was the sole owner of the vessel. Does not know if he be married, or how long he has lived at Havana. He knows nothing of a bill of sale, the price, or transfer of the vessel. There is no cargo. He knows nothing of the lading of the vessel on the last voyage. After capture the vessel was brought direct to Sierra Leone. The passports and other papers were and are all true and fair. None of the papers were destroyed, concealed, or made away with. There are no writings relating to vessel or cargo in any other country. There was no charter-party. He does not know if the vessel or goods were insured. With respect to her employment in trade, the vessel was under the management of witness. Corresponds with no one."

On the subject of the equipment of this vessel the Master swore, that "the hatches are fitted with open wooden gratings to admit air to the slaves. The coamings of the hatchways are pierced for round iron bars, of which forty are on board, intended and fit for securing the said hatches. There are three

bulkheads, those of the cabin, store-room, and forecastle; and there are two bunks or sleeping berths on deck. No spare planks are on board. A complete slave-deck is laid fore and aft. About 150 shackles and bolts are on board, intended for the chaining of slaves. There are leaguers and casks on board capable of receiving sixty pipes of water in all, and all filled with fresh water at the time of capture, with the exception of four or five pipes consumed on the voyage. There are no tanks nor staves. The vessel was supplied with the means of carrying water which she has, because it was intended to carry a cargo of slaves. Forty mess-kits are on board for the use of slaves. There are two large iron boilers for cooking for slaves. There were 120 bags of rice, half a barrel of flour, a bag of beans, and a bag of calavances, for the use of the crew and of slaves.

The evidence of Pascual Garcia, the passenger on board this vessel, and apparently the Spanish captain (Mideiros, who is quite a lad, being plainly only the "captain of the flag"), was to the effect that he had appointed Mideiros to command the schooner, and given him possession at Havana, in August last. He, the witness, resides at Havana. That he had no interest in the vessel or her voyage, being only a passenger on board. He is a Spaniard by birth and allegiance, and a seaman by profession; and embarked in this vessel at Havana for a passage to the Gallinas, whither he was going for the purposes of commerce; although he took out a passport with the destination of Monte Video, to which port the vessel was ostensibly bound. The sole owner of the vessel is Juan Brunenque, a Spaniard, residing with his family at Havana. In other respects Garcia's evidence was similar to that given by Mideiros, as well in respect to the vessel's papers and the voyage, as to her illegal equipment.

Previous to the completion of the examinations of these two witnesses, a survey of the detained vessel had been made by the Surveyors of the Court, and their sworn report had been filed in the case, which went to establish in the most clear manner that every one of the sections of the equipment article of the Treaty between Great Britain and Spain had, in this instance, been violated. It is, however, needless to give an extract of that report, as both the witnesses admitted the vessel's questionable equipment, and avowed that it was embarked for the use of a cargo of slaves.

Publication took place on the 22nd instant, and the Monition, which was issued on the 17th, was returned into Court duly certified on the 24th instant; on which day the Court met for the trial of this vessel, when the Spanish ownership of the schooner having been freely acknowledged by the witnesses, as well as the Spanish course of trade in which she had been seized, and the illegal equipment established in the clearest manner, a sentence of condemnation was in consequence pronounced.

(Signed) WALTER W. LEWIS.
R. DOHERTY.

Second Enclosure in No. 54.

A Passport granted February 7th, 1833, by Joao Baptista Moreira, Portuguese Consul-General at Rio de Janeiro, for the Portuguese schooner-brig "Felicidade."

Third Enclosure in No. 54.

Surveyors' Report.

SIR, *Freetown, 26th Oct.* 1840.

WE beg leave to report that we proceeded on board of the Spanish vessel "*Felicidade*," for the purpose of examining (her) if it were possible to trace or perceive if she were ever rigged as a brigantine, but could not find by any appearance that she was ever in any other rig but that of a schooner, in which she is now; she appears to be nearly a new vessel, perhaps one or two years old: this we judge by her seams, water-ways, &c.

We have, &c.
THOMAS M'FOY.
HENRY NORQUOY.
Surveyors.

J. Miller, Esq.
Acting Registrar

Fourth Enclosure in No. 54.

Report of the Commissioner of Appraisement and Sale, and of the Marshal.

SIR, *Sierra Leone, 26th October,* 1840.

IN reply to your inquiry respecting the schooner "*Felicidade*," we beg to inform you, for the information of Her Majesty's Commissioners, that that vessel has never been rigged as a brigantine; and that she appears to be a new vessel, about two years old.

We are, &c.
FRANCIS ASSEN,
Commr. of Appt. and Sale.
JOHN C. CATHCART,
Acting Marshal.

John Miller, Esq.
Acting Registrar.

No. 55.

Her Majesty's Commissioners to Viscount Palmerston.

Sierra Leone, November 6, 1840.
(*Received January* 14, 1841.)

MY LORD,

WE have the honour herewith to transmit to your Lordship our report of the case of the Spanish schooner "*Paquete Veracruzano*," Antonio Aragon

master, seized by Her Majesty's brigantine "Termagant," Lieutenant H. F. Seagram commander, on the 14th ultimo, off Grand Bassa, on account of being unlawfully equipped, on which charge she was yesterday condemned by the British and Spanish Mixed Court established here.

This schooner is one of the many vessels belonging to the port of Havana employed in the Slave Trade, and which have lately cleared out there fully equipped for that traffic.

According to the passport of this vessel and the master's evidence, she was owned by Santiago Ruiz, a Spaniard residing at Havana, where she was fitted out, and to which port she was to have returned with the cargo of negroes who were to have been shipped in the neighbourhood of Cape Mount.

We have, &c.

(Signed) W. W. LEWIS.
R. DOHERTY.

The Right Hon. Viscount Palmerston, G.C.B.,
&c. &c. &c.

Enclosure in No. 55.

Report of the Case of the Spanish schooner "Paquete Veracruzano," *Antonio, Aragon Master.*

Sierra Leone, Nov. 6, 1840.

THIS Spanish vessel, belonging to the port of Havana, had the following official papers on board of her at the time of her seizure:—

1. A royal passport No. 64, issued at Havana on the 3rd August, 1840, to continue effective for one year from that time, and which described Santiago Ruiz as the owner of the schooner, and Antonio Aragon as her master. From an indorsement thereon we learned that the master had been informed that the Royal decree of the 13*th January*, 1825, forbad his engaging in the commerce of slaves.
2. Muster-roll dated Havana, 3rd August, 1840, showing the burthen of the schooner to be 72 tons, that she was navigated by 18 persons, and was bound to the Cape Verd Islands. At the foot of this document there was a repetition of the warning to the master not to engage in the Slave Trade.
3. Custom-house clearance from Havana, dated the day following the above described documents, which showed that there had only been shipped a few stores for the use of the officers and crew.
4. Fort-pass.

The log-book of the vessel showed that she sailed from Havana on the 6th of August last, and came by the usual route to this coast without touching at the Cape Verd Islands, to which she should have gone direct. The log ends on the 10th of October ultimo when the schooner was off Grand Bassa, near to which she was four days afterwards seized for being improperly equipped.

The arrival of the detained vessel in this harbour on the 27th ultimo was duly reported by the Marshal to the Courts, together with the facts of the seizure; and on the following morning her case was presented to the British and Spanish Mixed Court for adjudication. The filing of the ship's papers and the captor's declaration took place on the same day, as well as the issuing of the usual monition; and the witnesses in preparatory were at the same time ordered for examination.

The declaration of the seizing officer, Lieutenant Seagram, commanding Her Majesty's brigantine "Termagant," stated that on the 14th October, 1840, being in 5° 34′ N. latitude, and 9° 45′ W. longitude, he had detained the Spanish schooner "*Paquete Veracruzano*," commanded by Antonio Aragon, who described the vessel to be in the prosecution of a voyage from Havana to this coast; and that in consequence of her being unlawfully equipped he had seized the said vessel.

The master of this vessel and his second mate, Manuel Aragon, were the witnesses produced by the seizor. They were examined on the 29th ultimo by the Registrar, on the standing and special interrogatories, when the master deposed as follows: "He was born in Malaga in Spain. Has lived during eight years in Havana. Is a subject of Spain, and has never been a subject of any other state. Is not married. He was appointed to the command and had possession given to him at Havana during the month of August last, by Don Santiago Ruiz, a Spanish subject residing there. First saw the vessel there and then. Has heard that she was built in Port Mahon, island of Minorca. He was present at the capture. Does not know why it took place. The vessel sailed under Spanish colours, and there were no others on board. The vessel is called '*Paquete Veracruzano*.' Never heard of her bearing any other name. She is of 72 tons burthen. There were 17 officers and mariners, exclusive of witness, all Spaniards, and all hired and shipped by witness at Havana in the month of August last. Neither he nor any of the officers or mariners had any interest in the vessel or her lading. Was master on board. There was one passenger, named Duaro, so far as witness recollects, an African boy, taken on board when the vessel left Havana, and destined for the Cape Verd islands; witness does not know on what business. He had no concern or authority in or over the vessel or her cargo. The voyage began and was to end at Havana, which was the last clearing port. The vessel touched nowhere else during the voyage. The boat of the capturing ship was first seen off New Sesters and in sight of land, at 7 o'clock in the morning of the 15th instant. Capture took place at 8 o'clock, and the ship, which had been concealed by a fog, was seen half an hour after. Was steering for New Sesters at the time. The course was not altered nor any additional sail made. The course prescribed by the papers, which was for the Cape Verd islands, was deviated from on account of the state of the winds. No guns were mounted on board; but there were 7 or 8 cutlasses, 14 muskets, and 5 or 6 parcels of musket cartridges, for defence against boats or canoes. No resistance was made to capture; nor were there any instructions for resisting or avoiding capture, or

for destroying or concealing the vessel's papers. Don Santiago Ruiz, the Spaniard from whom he received command and possession, was sole owner of the vessel. Does not know if he be married, or at what place he resided before he came to Havana, where he has known him during two years. He knows nothing of a bill of sale, the price, or transfer of the vessel. The owner of the vessel is also the lader, owner, and consignee of the cargo. He knows nothing of the lading on the last voyage: the present cargo consists of rice. After capture the vessel was carried to New Sesters, and from thence brought to Sierra Leone. The passports and other papers were and are all entirely true and fair. None of the papers were concealed, destroyed, or made away with. There are no writings relating to vessel or cargo in any other country. There was no charter party. He does not know if the vessel or goods were insured. With respect to her employment in trade, the vessel was under his own management. Corresponded with no one. Bulk was nowhere broken during the voyage. The hatches are fitted with open wooden gratings, but he does not know for what purpose. The coamings of the hatchways are pierced to receive round iron bars, of which, however, none are on board. There are two bulk-heads, those of the cabin and forecastle; and there are no bunks or sleeping berths on deck. There are no spare planks on board. A complete slave-deck is laid fore and aft. There were no shackles, bolts, or handcuffs. There are leaguers and casks on board capable of receiving 60 pipes of water in all; and they contained 35 or 40 pipes of fresh water at the time of capture. There were no tanks or staves. The leaguers and casks were partly intended to carry water for ballast. There were 25 mess-kits, which he found on board when he took charge; does not know why they were provided. There was one large iron boiler which he found on board. There were 100 bags of rice which was cargo; and there was half a barrel of flour and a quantity of beans for the use of the crew."

The second mate of this vessel, Manuel Aragon, at his examination, stated that he was the brother of her master; and was ignorant of the cause of capture, as to the ownership of the vessel and her cargo, and of the person who appointed his brother to command her. He, however, confirmed his brother's statement that the voyage began and was to have ended at Havana; and described, as he had done, the illegal equipment of the schooner.

Publication was granted on the 30th ultimo, and the Monition which had issued in this case on the 28th ultimo was returned, certified to have been properly executed, on the 4th instant.

On the 5th instant the British and Spanish Mixed Court assembled for the adjudication of this cause, when a sentence of confiscation was passed upon the schooner "*Paquete Veracruzano*" and her cargo.

(Signed) WALTER W. LEWIS.
R. DOHERTY.

No. 56.

Her Majesty's Commissioners to Viscount Palmerston.

Sierra Leone, November 6, 1840.
(*Received January* 14, 1841.)

My Lord,

The schooner "*Porto Formoso*," José Maria Carvalho, master, a vessel regularly engaged in the trade between the port of Havana and the coast of Africa, was seized on the 16th of September last off the Gallinas, in an ostensible voyage from Havana to Monte Video, by Her Majesty's brig "Rolla," Lieutenant Hall commanding, on the ground of her being a Spanish vessel illegally equipped.

Proceedings in prosecution of this vessel on the above-mentioned charge were commenced in the British and Spanish Mixed Court on the 29th ultimo, the day after her arrival in this Colony, and on the 5th instant those proceedings terminated in a decision of the said Court, condemning this vessel and her cargo.

Our Report of this case we have now the honour to forward to your Lordship.

This schooner, like the "*Paquete Veracruzano*," reported in our other Despatch of this date, cleared out at Havana, with a full and complete equipment in every respect for the Slave Trade, destined according to her official papers for Monte Video, but really for the Gallinas, to which place she proceeded in a direct course on leaving Havana, and where, as the master openly avowed, he was to ship a cargo of slaves.

The passport of this vessel was granted by the Minister of Marine at Lisbon, on the 19th of December, 1826, from which time until June, 1838, she appears to have been lawfully employed, having made voyages between London, Havre, and Hamburg, and St. Michael's. About June, 1839, she arrived at Havana, and towards the close of that month was cleared out by Mr. Pluma, pro-consul for Portugal, for a voyage to Gallinas. In January, 1840, Mr. Pluma certified that José Maria Carvalho had become master, but does not state on what voyage he was proceeding; and on the 23rd of July last the pro-consul again

cleared her out under the same master for the present voyage, with the official destination of Monte Video.

In our Report of the case of this vessel your Lordship will observe, that it is stated that this vessel was detained off the Gallinas for about five weeks after her seizure, owing, as the captor has explained, to his being unable to spare an officer from Her Majesty's brig to act as prize-master of the schooner, and conduct her to this Colony. A similar delay took place in the case of the "*Diana*" (reported in our Despatch of the 23rd ultimo), seized by Her Majesty's brig "Saracen," off the Gallinas, owing to that cruiser being also deficient in executive officers.

As these occurrences are likely to lead to considerable inconvenience and irregularity, and the service upon which these gun-brigs are employed being imperfectly executed from a want of a sufficient establishment of officers on board of them, we beg to request your Lordship's attention thereto; the more particularly as on this second occasion the prize was employed for five weeks as a tender to the "Rolla," cruizing against vessels engaged in the Slave Trade.

We have, &c.
(Signed) WALTER W. LEWIS.
R. DOHERTY.

Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

Enclosure in No. 56.

Report of the Case of the schooner "Porto Formoso," *José Maria Carvalho, Master.*

THE "*Porto Formoso*" at the time of her seizure was found to have the following official papers on board, in addition to a log-book of the voyage in which she was actually engaged from Havana to Gallinas:

1. Passport.
2. Muster-roll.
3. Bill of health.

The passport was granted by the Minister of Marine at Lisbon, on the 19th of December, 1836, to Simplicio Gago da Camara, her owner, at which time the schooner was commanded by Mariano José Mideiros, and made a voyage from Lisbon to London. The schooner continued to trade between the ports of London, Hamburg, and Havre, and the island of St. Michael's, until June, 1838; from which time until the 22nd June, 1839, there is no account of her proceedings. On the latter date we find this vessel was cleared out under the command of a new master, Pedro Medal, from Havana to the Gallinas, by the Portuguese pro-consul at Havana, Mr. Pasqual Pluma. The late master, Carvalho, was appointed on the 6th of January, 1840, as appears by the second certificate of Mr. Pluma, but on what voyage he was about to proceed is not stated. A third certificate of Mr. Pluma, dated the 23rd of July, 1840, describes the schooner as having cleared out for Monte Video.

The muster-roll of the schooner described her as being navigated by 19 persons, as having one passenger on board named João Baptista Fraginal, and destined for Monte Video.

The log-book stated that the voyage commenced on the 25th of July last, and was direct from Havana to the neighbourhood of the Gallinas and Cape Mount, in sight of which latter place the log ends on the 10th of September last, a few days previous to her detention.

On the 28th of October ultimo the "*Porto Formoso*" reached this Colony, and we received from the Marshal to the Courts on the following morning a report of the circumstances attending the seizure of this vessel.

Proceedings in prosecution of this vessel before the British and Spanish Mixed Court for having a *bonâ fide* Spanish national character, and being as such unlawfully equipped, were instituted on the 29th ultimo, when the ship's papers having been duly authenticated by the seizor's affidavit, were together with his declaration filed in Court; the customary monition was at the same time issued, and the witnesses produced ordered for examination by the Registrar.

In the affidavit of seizure made by Lieutenant Charles Hall, the commander of Her Majesty's brig "Rolla," after all the facts of the detention of this vessel by the "Rolla" had been given in the usual manner, there was the following passage, which we think it necessary to quote: "And this deponent further maketh oath, that the said schooner or vessel was detained at the Gallinas after her seizure in consequence of this deponent not being able, from the peculiar duty in which he was employed, to spare an officer to send her up for adjudication; and that during the time she was so detained, this deponent received information of several vessels which were hovering about the Gallinas with the intent of shipping their slaves from that port, and he immediately sent an armed boat and a six-pounder with an officer and party on board the said schooner for the purpose of aiding him in preventing their escape; and this deponent, so soon as he was relieved by Her Majesty's sloop 'Wanderer,' proceeded direct to this port with the said schooner or vessel."

The declaration of Lieutenant Hall sets forth that, being in Her Majesty's brig "Rolla," on the 16th September, 1840, in 7° 5′ N. latitude and 11° 50′ W. longitude, he detained the schooner "*Porto Formoso*," sailing under Portuguese colours, commanded by José Maria Carvalho, who declared her to be in the prosecution of a voyage from Havana to the Gallinas, and that he had so detained the said schooner as Spanish property illegally equipped.

On the 30th ultimo, the master of this vessel was examined on the standing and special interrogatories, and deposed, that "he was born in Lisbon, and has lived during three years at Havana. Is a subject of Portugal, and has never been a subject of any other state or power. Is not married. He was appointed to the command, and had possession given to him at Havana, during the month of July last, by Francisco Morales, a Spaniard residing there. First saw the vessel there and then. Does not know where she was built. He was present at the capture. Does not know why it took place. The vessel sailed under Portuguese colours, and there was also a French ensign on board for use as a private signal. The vessel is called '*Porto Formoso.*' Never heard of her bearing any other name. She is of 95 tons burthen. There were 19 officers and mariners, exclusive of witness, one-third of them Spaniards, and the remainder Portuguese, all hired and shipped by witness at Havana when the voyage began. Neither he nor any of the officers or mariners had any interest in the vessel or her lading. Was master on board. There were two forecastle passengers, both taken on board at Havana, when the vessel sailed from thence, namely, João Baptista Fraginal, a Spanish seaman, and a Spanish boy whose name is unknown to witness, destined, the first to the Cape Verd Islands, and the second to the Gallinas, witness does not know on what business. Neither of the two had any interest or authority in or over the vessel or her lading. The voyage began at Havana, which was the last clearing port, and was to end at Monte Video. The vessel had touched nowhere during the voyage. The capturing ship was first seen off Gallinas, and in sight of land, at six o'clock in the morning of the 16th ultimo. Chase took place immediately, and capture at noon. Was steering for Gallinas at the time. The course was not altered, nor any additional sail made. The course prescribed by the papers, which was for Monte Video, was deviated from for Gallinas, in order if possible to procure there a cargo of slaves. No guns are mounted on board; but there were 12 cutlasses, 12 muskets, and a box of cartridges for defence against boats or canoes. No resistance was made to capture, nor were there any instructions for resisting or avoiding capture, or for destroying or concealing the vessel's papers. Francisco Morales, the Spaniard, from whom he received command and possession, is sole owner, so far as witness knows, of the vessel. He is married, and his wife and family reside with him in Havana. He knows nothing of a bill of sale, price, or transfer of the vessel. The owner of the vessel must, as he supposes, be the lader, owner, and consignee of the cargo; but it was on board before he took charge. He knows nothing of the lading of the last voyage. The present cargo consists of rice. After capture the vessel was detained by the captor, and employed as a tender during 41 days, and was then brought to Sierra Leone. The passports and other papers were all true and fair. None of the papers were destroyed, concealed, or made away with. There are no writings relating to vessel or cargo in any other country. There was no charter-party. He does not know if the vessel or goods were insured. The vessel with respect to her employment in trade was under the management of witness. Corresponds with no one. Bulk was nowhere broken during the voyage. The hatches are not fitted with open gratings. The coamings of the hatchways are pierced to receive round iron bars, of which about 25 intended and fit for securing the said hatches are on board. There are two bulkheads, those of the cabin and forecastle, and there are two bunks or sleeping-berths on deck. A complete slave-deck is laid fore and aft. There were 100 pairs of shackles and bolts, and 60 or 70 iron collars for chaining slaves on shore. There are leaguers and casks on board capable of receiving 70 pipes of water in all; and, with the exception of three or four, all filled with fresh water at the time of capture. They were intended to carry water for slaves. There were no tanks or staves. There were 32 mess-tins for the use of the slaves. There was one large iron boiler for cooking for slaves. There were 130 bags of rice for the consumption of slaves, and 7 or 8 of beans, and half a barrel of flour for the use of the crew. No Indian corn."

The second witness in the case, Francisco Alvarez, the cook of the detained vessel, was unable to give any information respecting the owner of the vessel and her cargo, the vessel's papers, or the nature of the voyage. His evidence, however, on the subject of the equipment of the vessel was in every respect confirmatory of the master's testimony, and proved that the questionable articles of equipment were on board for the use of a cargo of slaves, who were to have been shipped at some part of this coast near the Gallinas.

With the cook's evidence the proceedings in the case were closed, and publication thereof was given on the 30th ultimo; and the monition being returnable on the 5th instant, that day was named for the adjudication of this vessel.

The British and Spanish Mixed Court accordingly assembled on the 5th instant, and pronounced the following judgment:—

"This is the case of a vessel navigated under the flag and pass of Portugal, seized as Spanish property, and as such prosecuted before this Court for being unlawfully equipped. On this occasion we have but little difficulty in deciding what national character should be held to belong to the schooner '*Porto Formoso,*' although when seized she was navigating under a perfectly regular Portuguese passport, and which she had apparently carried since December, 1836. The evidence of the master goes to establish that the schooner is owned by a Spaniard residing with his wife and family in Havana, named Francisco Morales; and although this statement has not been confirmed by the second witness, who has pleaded ignorance on this point, and although it be in opposition to what is stated in the passport, the original owner, Simplicio Gago da Camara of Lisbon, appearing still in that character, we are however disposed to consider Morales as the owner of this vessel, for the passport shows that the present is the third voyage in which this vessel has been engaged from and to the port of Havana, thereby establishing a course of Spanish trade which would of itself lead to the impression of there being in that port some resident directly interested in the vessel, and who was acting as her owner, if the owner himself be not actually living there; and we are therefore willing to credit this statement of the master as to the Spanish ownership from the appearance of truth which it carries with it. A Spanish national character has therefore, in the opinion of the Court, been proved for this vessel, as well by the residence of her owner as by a course of trade; and her prohibited equipment having been avowed by the master and his cook as on board for the use of slaves, we declare the schooner '*Porto Formoso*' and her cargo good prize."

We have, &c.

(Signed) WALTER W. LEWIS.
R. DOHERTY.

Sierra Leone, November 6th, 1840.

No. 57.

Viscount Palmerston to Her Majesty's Commissioners.

GENTLEMEN, *Foreign Office, February* 26, 1841.

WITH reference to your Despatch of the 23rd September, 1840, reporting the case of the Spanish brigantine "*Diana*," condemned in the Mixed British and Spanish Court of Justice on a charge of having been concerned in Slave Trade; I herewith transmit to you for your information the accompanying copies of a correspondence which has passed between Her Majesty's Minister at Madrid and myself upon the subject in question.

I am, &c.

Her Majesty's Commissioners, (Signed) PALMERSTON.
&c. &c. &c.

Enclosure in No. 57.

Viscount Palmerston to Mr. Aston, December 27, 1840.

(See Class B., 1840, No. 28, p. 24.)

Mr. Aston to Viscount Palmerston, Madrid, February 8, 1841.

(See Class B.)

No. 58.

Viscount Palmerston to Her Majesty's Commissioners.

GENTLEMEN, *February* 27, 1841.

WITH reference to your Despatch of the 23rd September, 1840, reporting the condemnation of the Spanish schooner "*Sirena*," upon a charge of being equipped for Slave Trade; I herewith transmit to you for your information a copy of an instruction which I addressed upon this subject to Her Majesty's Envoy at Madrid, with the copy of the representation which Her Majesty's Envoy made to the Spanish Government in pursuance of that instruction.

I am, &c.

Her Majesty's Commissioners, (Signed) PALMERSTON.
&c. &c. &c.

Enclosure in No. 58.

Viscount Palmerston to Mr. Aston, December 28, 1840.

(See Class B. 1840, No. 29, p. 24.)

Mr. Aston to Viscount Palmerston, February 8, 1841.

(See Class B.)

No. 59.

Her Majesty's Commissioners to Viscount Palmerston.

Sierra Leone, November 30, 1840.

MY LORD, (*Received March* 8, 1841.)

WE beg leave to acknowledge the receipt of your Lordship's Despatch of the 11th August last, informing us that the Queen's Advocate is of opinion that the Mixed British and Spanish Court of this colony would have been justified,

under all the circumstances of the case of the schooner "*Jago*," in having allowed the prosecution of that vessel in the said Court as property having a Spanish national character, and as such equipped for the Slave Trade, and that had the Court proceeded to the adjudication of the "*Jago*," the Queen's Advocate is also of opinion that proof would have been afforded of the correctness of the above-mentioned charges, and consequently of her liability to condemnation.

For this communication we beg to offer our thanks to your Lordship.

We have, &c.
(Signed) WALTER W. LEWIS.
R. DOHERTY.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

No. 60.

Her Majesty's Commissioners to Viscount Palmerston.

Sierra Leone, November 30, 1840.
(*Received March* 8, 1841.)

My Lord,

We have had the honour to receive your Lordship's Despatch of the 8th September last, acquainting us that the Despatch and its enclosures of Her Majesty's Acting Commissioners, reporting the condemnation of the brig "*Eliza Davidson*," had been laid before Her Majesty's Advocate for his opinion thereon, and that he had reported to your Lordship that the decision of the British and Spanish Mixed Court in that case was correct.

We have had much satisfaction in learning that Her Majesty's Advocate considers the Court to have been justified in pronouncing a sentence of condemnation upon the "*Eliza Davidson*."

We have, &c.
(Signed) WALTER W. LEWIS.
R. DOHERTY.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

No. 61.

Her Majesty's Commissioners to Viscount Palmerston.

Sierra Leone, November 30, 1840.
(*Received March* 8, 1841.)

My Lord,

We have had the honour to receive your Lordship's Despatch of the 10th of September last, respecting the case of the Slave Vessel "*Florida*," seized under American colours, and acquainting us that in the opinion expressed in this case by Her Majesty's Acting Commissioners, in March last, respecting the paper which showed the "*Florida*" to be Spanish property, they had attached undue importance to the fact of that document not being one of the ship's papers; and that the Queen's Advocate had reported to your Lordship on this subject, that the circumstance does not carry with it the consequence which the Commissioners apprehended. For although the paper in question might not, strictly speaking, be one of those official documents usually denominated "ship's papers," yet there was no reason to doubt that it was a genuine instrument, or that it described the true nature of the transaction; and that it proved, especially when taken in conjunction with the declaration and conduct of the pretended owner of the "*Florida*," that that vessel was in reality Spanish, and her ship's papers false and colourable.

Whenever a case like that of the "*Florida*" may again come before the

Mixed Courts, we shall take care to keep in view the legal opinion which your Lordship has been so kind as to afford us.

We have, &c.
(Signed) WALTER W. LEWIS.
R. DOHERTY.

The Right Hon. Viscount Palmerston, G.C.B.,
&c. &c. &c.

No. 62.

Her Majesty's Commissioners to Viscount Palmerston.

Sierra Leone, December 14, 1840.
(*Received March* 8, 1841.)

My Lord,

Enclosed we beg to forward to your Lordship our Report of the case of the brigantine "*Vanguardia,*" Manuel Irguierdo, master, a joint seizure of Her Majesty's vessels of war "Wanderer" and "Rolla."

It has seldom been our duty to report a more complete case of unlawful equipment than that afforded in this instance, the master himself and one of his sailors having admitted that there were in the vessel four bulkheads, two of them for separating slaves; a slave deck laid fore and aft; a large quantity of leaguers, mess-tins, and rice for slaves, besides two iron boilers.

By the ship's papers, the "*Vanguardia*" should have made a voyage to Trinidad de Cuba; but this destination was only fictitious, the Gallinas being the real place intended to have been visited, near to which the detention took place on the 11th of November, about a month after the vessel's departure from Cadiz.

The prize arrived in this harbour on the 1st instant, and the prosecution, having been instituted on the day following, came to a close on the 9th, when a sentence of confiscation was duly recorded against her.

We would again respectfully draw your Lordship's attention to the negligent, and consequently injurious mode in which articles of equipment, such as water-casks, planks, &c., have been in this instance cleared out at Cadiz, without any adherence to the stipulations of the treaty of June, 1835.

In the late case of the brigantine "*Diana,*" we brought under your Lordship's notice a similar instance of the custom-house authorities at Cadiz having cleared out a regular slaving-equipment for that vessel. On that occasion, however, it seems that security was taken from the consignee of the "*Diana,*" that the said equipment should be proved by certificate from the customs at Trinidad de Cuba to have been actually landed within a year in that port. The object proposed to be secured by this arrangement is not very intelligible; unless, indeed, it was intended to screen the actual owners of the "*Diana*" from the penalties which should fall upon them under a faithful execution on the part of Spain of the treaty of 1835; for had the voyage of the "*Diana*" proved a successful one, she would no doubt have landed, for a time at least, at Trinidad de Cuba, her prohibited equipment, and as a matter of course, without any inquiry into the use to which those articles had been applied on her voyage thither, the requisite certificate would have been granted.

In this case the custom-house functionaries at Cadiz have been content to take a mere promise from the master of the "*Vanguardia,*" respecting the landing in Cuba of her questionable equipment.

The "*Vanguardia*" was captured on the 11th of November ultimo, and did not reach this port until the 1st inst., a period much longer than was necessary for her to have come hither from the place of capture, the neighbourhood of the Gallinas. It appears, however, that this time was occupied by her visiting the Gallinas, and there embarking, for conveyance to this colony, the greater portion of 841 slaves, whose freedom the commander of the "Wanderer," the Honourable Joseph Denman, had succeeded in inducing the King or Chief Seacca to grant, and to secure which to these hitherto unfortunate people Captain Denman wished to place them in the hands of the governor of this place; an object in which we are very happy to be able to add he has been successful. The negroes thus liberated from slavery belonged, we believe, to

the factories maintained at the Gallinas by foreigners, and which have lately been confiscated and razed to the ground, in consequence of some acts of aggression on their part, under the orders of King Seacca.

We sincerely hope that the late destruction of that stronghold of the Slave-Traders, the Gallinas factories, will prove permanent, and that this part of the coast will be benefited by a lawful commerce being there substitted for the traffic in slaves.

We have, &c.
(Signed) WALTER W. LEWIS.
R. DOHERTY.

The Right. Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

Enclosure in No. 62.

Report of the case of the Spanish Brigantine "Vanguardia," Manuel Irguierdo, master.

Sierra Leone, December 14, 1840.

THE "*Vanguardia*," when seized, was found to have the following papers on board:—

1. Royal passport.
2. Muster-roll.
3. Clearance and manifest.
4. Fort-pass.
5. Bill of health.
6. Bill of sale.
7. Log-book.

From these documents we learned that this vessel was originally called the "*Ensayador*," owned by Antonio Artin, of Havana, who sold her on the 4th September, 1840, through the agency of José Astara, the master of her, to Ildefonso Garcia, of Cadiz, by whom she was re-sold on the 29th of the same month for 137,595 reals vellon (1433*l.*), to Manuel Irguierdo, her late master, who changed her name to "*Vanguardia.*" This vessel then obtained a royal passport for general navigation at Cadiz, on the 6th October, 1840, which was to be in force for three years from that date, and upon which there is a note expressing that the master had been duly made acquainted with the royal edict prohibiting the traffic in Slaves, as well as with the penalty which attaches to a breach of the said law. The burthen of the brigantine is stated to be 111 tons, and her crew to comprise 30 persons, 10 of whom are described as boys. The cargo with which this vessel cleared out at Cadiz for Trinidad de Cuba consisted of a few goods for trade, 107 sacks of rice, 35 casks, equal to holding from 90 to 100 pipes of water, which were "*shipped to serve for ballast*," 65 planks, 11 joists, and a case of 40 tin plates. The water-casks, planks, and joists (slave-deck), and tin (mess) plates, were all entered together in a separate cocket at the custom-house, and in the general clearance there is the following note, which may be considered as intended to apply directly to the above-mentioned very questionable shipment, though it is far from satisfying the terms of the treaty of June, 1835, between Great Britain and Spain:—

"The master of the vessel has hereunto put his signature, promising to bring with him on his return, within one year, a certificate of having landed at the port of his destination the articles mentioned in this register, or be fined according to law."

The "*Vanguardia*" sailed from Cadiz on the 8th October, 1840, bound ostensibly to Trinidad de Cuba, but really for the Gallinas, to which place she pursued a direct route on leaving Cadiz, and which she had nearly reached on the 11th November last, when her detention took place by Her Majesty's ships "Wanderer" and "Rolla."

The captured vessel arrived in this harbour on the 1st December instant; which fact, together with the circumstances attending her seizure, were immediately reported to the Court by the Marshal.

The prosecution of the "*Vanguardia*" was commenced on the 2nd instant, when the captor's declaration, and the vessel's papers authenticated by the prize officer, were filed in the British and Spanish Mixed Court; the usual monition was issued, and the witnesses produced were ordered for examination on the standing and special interrogatories, by the Registrar.

The declaration of the seizor was as follows:—"I, Joseph Denman, commander of Her Majesty's sloop 'Wanderer,' having Her Majesty's brig 'Rolla' in company, hereby declare that on the 11th day of November instant, being in or about latitude 7° 6′, longitude 12° 17′, I detained the Spanish brigantine '*Vanguardia*,' armed with 2 guns, 24-pounders, commanded by D. Manuel Irguierdo, who declared her to be bound from Cadiz to Gallinas, with a crew consisting of 30 men, whose names, as declared by them respectively, are inserted in a list at foot hereof.

"I do further declare that the said vessel appeared to be seaworthy, and was supplied with a sufficient stock of water and provisions for the said crew on their destined voyage to Gallinas, and that she is in every respect equipped for the purpose of receiving a cargo of slaves."

In the usual affidavit of the prize-officer respecting the facts of seizure, and the circumstances which have taken place on board the prize subsequent to her detention there, occurred the following passage, explanatory of the fact of the vessel having arrived in this port full of negroes, although there were none on board at the time of seizure: "About 800 slaves were placed on board the said vessel at the Gallinas for passage to this place, the same having been liberated by the King of that place, and delivered over to the said Commander Denman."

Manuel Irguierdo, the Master of this vessel, was examined on the 3rd instant, and deposed as

follows: "He was born in Seville, where he has always lived. Is a subject of Spain, and has never been a subject of any other State or Power. Is not married. He appointed himself to the command, and took possession in the month of October last, at Cadiz. First saw the vessel there and then. Thinks she was built in France. He was present at the capture, which took place on suspicion of Slave trading. The vessel sailed under Spanish colours, and there were no others on board. The vessel is called the '*Vanguardia.*' Never heard of her bearing any other name. She is of 130 tons burden, or thereabouts. There were 28 officers and mariners exclusive of witness, all Spaniards, and all hired and shipped by witness at Cadiz in October last. None of the officers or mariners had any interest in the vessel or lading, except witness, who owned both. Was master on board. There were no passengers. The voyage began at Cadiz, which was the last clearing port, and was to end at Trinidad in Cuba. The vessel touched nowhere during the voyage. The capturing ships were first seen off Gallinas, and in sight of land, on the 11th ultimo, the 'Wanderer' at 6, and the 'Rolla' between 8 and 9 o'clock in the morning. Chase by the 'Wanderer' took place as soon as she appeared; and capture by a boat from the 'Rolla' at 3 o'clock after noon. Was steering for Gallinas at the time. The course was altered and all sail made. The course as prescribed by the papers was for Cuba direct; but witness took it on himself to proceed first to the coast for a cargo of slaves. Two guns, 18 pounders each, are mounted on board; and there were 16 cutlasses, 20 muskets, 3 pairs of pistols, and 50 pounds of ammunition. The vessel was armed in this way when purchased; and lest they should encounter piratical boats, or risings of the slaves, she was allowed to remain so. No resistance was made to capture; nor were there any instructions for resisting or avoiding capture, or for destroying or concealing the vessel's papers. He himself was the sole owner of the vessel. A bill of sale was made in his favour at Cadiz, in October last, by Don Alfonso Garcia, in presence of three witnesses, whose names witness does not recollect. Last saw this document on board the vessel when he delivered it to the captors. The price was 6200 dollars. It was paid, and was a fair equivalent. The transfer was a true one, and there were no private agreements. He himself is the sole lader, owner, and consignee of the cargo. He knows nothing of the lading of the last voyage. The present cargo consists of rice. After capture the vessel was carried into and anchored at Gallinas, and eighteen days thereafter brought to Sierra Leone. The passports and other papers were and are all entirely true and fair. None of the papers were destroyed, concealed, or made away with. There are no writings relating to vessel or cargo in any other country. There was no charter-party. The vessel or goods are not insured. With regard to her employment in trade, the vessel was under his own management. Bulk was nowhere broken during the voyage. Nothing was taken out of the vessel at the time of capture. He and the detained crew have been very ill used since the capture, by him, the Master, being removed from his vessel on board the man-of-war contrary to Treaty; by not having good provisions allowed them; and by himself having had his person stripped and searched by the Commander before others on deck, and treated with as little consideration as he would have received from pirates. The hatches are not fitted with open gratings. The coamings of the hatchways are pierced to receive round bars, of which thirty are on board, fit and intended for securing the hatches. There are four bulk-heads, those of the cabin and forecastle, one on the half-deck, and one in the hold, the two last being intended to separate slaves according to age and sex. There are two bunks or sleeping berths on deck. There are four or five spare planks on board, remaining from a quantity used in making a slave-deck. A complete slave-deck is laid fore and aft. There are no shackles, bolts, or handcuffs. There are leaguers and casks on board capable of receiving ninety-five pipes of water in all, all filled with fresh water at the time of capture, and intended to carry water for slaves. There were forty mess-tins for the messing of slaves. There were two large iron boilers for cooking for slaves. There were forty or fifty bags of rice on board as cargo, and intended for the use of slaves."

Antony Martin, one of the seamen of the "*Vanguardia*," was the second witness in the case, and was examined on the same day as the Master. Martin's testimony was generally confirmatory of every material point in the evidence given by the Master. He, however, gave a directly contradictory account respecting the ownership of both the vessel and cargo, to that derived from the ship's papers and evidence of the Master, swearing positively that Pedro Martinez and Company, of Cadiz, were the proprietors of the "*Vanguardia*" and her cargo. This witness also contradicted the Master's statement that "nothing was taken out of the vessel at the time of capture," by declaring that "seven razors, seven or eight fishing lines, a harpoon and a grainge, four marlines, two cheeses, one ham, two sail-maker's bags with tools, one pair of trousers painted, and five tooth brushes, were taken out of the vessel at the time of capture, by the seamen of the 'Wanderer;' with twelve rolls or pieces of spun-yarn, two jugs of sweet oil, and a harness cask, and all the pork in the vessel, with which that cask was filled by the seamen of the 'Rolla.'"

Publication was granted on the 3rd instant.

On the 5th instant two affidavits were filed in reply to the charges which had been preferred against the officers and crews of the capturing vessels. One of these replies was from Mr. Midshipman Pickard, of Her Majesty's sloop "Wanderer," who swore that he conducted the search of the person of the Master of the "*Vanguardia*," and that the boatswain and the serjeant of marines of that ship were present on the occasion; and that the said search was made behind a canvass screen specially erected under the forecastle of the said ship, for this purpose.

The affidavit of Lieutenant Tracey, the prize officer, stated that the Master of the detained vessel and himself had the same description of provisions for their use. That he was "positive none of the articles which are stated to have been taken from the brigantine at the time of seizure by the seamen of the 'Wanderer' were removed, as this deponent was extremely particular in examining the boats as they left the brigantine." Lieutenant Tracey could not reply to the charge against the crew of the "Rolla's" boat, as she boarded the brigantine before he did; but he deposed to the fact of there having been a quantity of pork in the harness cask of the vessel when he took charge, that some of it was used on the voyage up, and some was left on his giving up charge of this vessel.

The monition, which had been issued in this case on the 2nd instant, was returned on the 9th instant certified to have been duly served, on which latter day the Court met for the adjudication of this vessel.

Before pronouncing judgment in the case, the Court remarked upon the charges which the witnesses had preferred against the captors, and the satisfactory replies which had been made thereto, declaring its conviction that that part of them which referred to the officers and men of the "Wanderer" had been proved to be without foundation; and that they had no doubt, had the testimony of the "Rolla's"

officers been obtainable, it would have shown the remaining part of these charges to be equally groundless as those preferred against the "Wanderer's" officers and men.

The charge on which this vessel had been prosecuted had been so clearly established by the admission of both the witnesses, that the Court considered it unnecessary to make any remark thereupon, and therefore briefly declared the vessel and goods to be confiscated.

(Signed) WALTER W. LEWIS.
R. DOHERTY.

No. 63.

Her Majesty's Commissioners to Mr. Backhouse.

Sierra Leone, December 16, 1840.
(*Received March* 8, 1841.)

SIR,

WE have the honour of acknowledging the receipt of your Despatch of the 25th of October last, forwarding to us the copies of four despatches from Her Majesty's Commissioners at Havana, containing reports on the Slave Trade at that place for the months of April, May, June, and July of this year.

Of the 31 vessels described by the Commissioners as having left Cuba for this coast, we are unable to give an account of more than three of them, which have been condemned here, viz. the "*Olimpa,*" "*St. Paolo de Loando,*" and the "*Plant.*"

The lawless and piratical conduct of persons connected with the Slave Trade, which the Havana Commissioners represent as existing in their vicinity, we regret to observe, from the late communications from the Cape Verds, of Mr. Consul Rendall, is apparently beginning to exhibit itself on this coast, where the slave vessels and their crews are, as we learn from Mr. Rendall, to fill up the time which elapses between their arrival out and the collection of their human cargoes, in acts of piracy.

That this disposition prevails to a great extent amongst those persons engaged in the Slave Trade we can have little doubt, from the irritation generally observed among the crews of captured slave vessels brought to this colony, and the expressions to that effect openly used by them here.

We observe that the Havana Commissioners have made a similar suggestion to that contained in the Annual Report for the year 1838 from this Commission, that the crews of captured and condemned slave-vessels should be held in custody until opportunities offer of sending them to their respective Governments to be punished according to their own laws. If such persons could be sent in all cases to Europe for trial, it would at least have the good effect of removing them to a great distance from their usual haunts and many of their slaving connexions; and it may be expected that, if punishment was not ultimately to be decreed by their own Governments, the losses and sufferings they would undergo between the time of capture and the decision of their cases in Europe, would have the effect of deterring some of them from returning to their former occupation, and of increasing the expenses attendant in manning slavers.

The evil effects upon the social habits and feelings of the population of this colony, and of the liberated Africans in particular, from so many dissolute, unprincipled foreigners as are landed here from captured slave-vessels being at liberty freely to reside amongst them as they now do, are, we regret to state, observable at present; and, if the system be continued, permanent injury must, we fear, be apprehended. We should, therefore, on this account, be well pleased if his Lordship would sanction the measures in question, or such other measures as may appear better calculated in his Lordship's opinion for accomplishing the desired object.

We have, &c.
(Signed) R. DOHERTY.
WALTER W. LEWIS.

J. Backhouse, Esq.
&c. &c. &c.

No. 64.

Viscount Palmerston to Her Majesty's Commissioners.

GENTLEMEN, *Foreign Office, April 7*, 1841.

I HEREWITH tramsmit to you, for your information, copies of two Despatches from Her Majesty's Commissioners at the Havana, containing Reports of the state of Slave Trade at that port for the months of December, 1840, and January, 1841.

I am, &c.

Her Majesty's Commissioners, (Signed) PALMERSTON.
&c. &c. &c.

Enclosure in No. 64.

Havana Commissioners' Despatches of January 22 and February 15, 1841.

(See No. 140, and 142.)

No. 65.

Her Majesty's Commissioners to Viscount Palmerston.

Sierra Leone, December 31, 1840. [1]

MY LORD, (*Received April* 13, 1841.)

WE have the honour to forward to your Lordship our Report of the case of the schooner "*Reglano*," Manuel Fernandez, master, condemned in the British and Spanish Mixed Court for having on board, when seized by Her Majesty's sloop "Wanderer," on the 10th of December, 350 slaves, shipped at Seabar, river Sherbro, to supply the Cuba market.

A Spanish merchant, named Estevan Diaz, owned the "*Reglano*," and fitted her out at Havana for the present contraband adventure in October last. From that port the vessel came to the coast, touching at the Cape Verds for provisions, and was so far successful as to have embarked her return cargo of negroes within two months of her departure from Havana. At this period, as above stated, the guilty intentions of the slaver were happily arrested by capture.

The usual prosecution ensued on the arrival of the prize in this harbour, and terminated on the 23rd of December, on which day a sentence of condemnation was passed upon the vessel, and the 348 surviving slaves at the same time received the benefits of a decree of emancipation.

We have, &c.

(Signed) WALTER W. LEWIS.
JOHN JEREMIE.

The Right Hon. Viscount Palmerston, G.C.B.,
&c. &c. &c.

Enclosure in No. 65.

Report of the case of the Spanish schooner "Reglano," *Manuel Fernandez, Master.*

Sierra Leone, December 31, 1840.

ON the 8th of October, 1840, the Spanish authorities of Havana granted to this vessel the usual ship's papers, viz.,

1. Royal passport.
2. Fort-pass.
3. Muster-roll.
4. Custom-house clearance.

The last two papers alone make mention of the destination of the "*Reglano*," which is set down as the Cape Verd Islands, where the log-book (No. 5) shows the vessel actually touched in the course of the voyage for provisions.

After the shipment of the outward cargo at Havana, the voyage commenced from that port in the month of October; and although, as above stated, the Cape Verds were visited, Seabar, in the river Sherbro, proved to be the place at which the outward cargo was eventually disembarked, and slaves, to the number of 359, purchased and shipped in return. At this critical time, when all was in

readiness to recross the Atlantic with this human freight, Her Majesty's sloop "Wanderer" fell in with the slaver off Seabar, and there took possession of her on the 10th ultimo.

The prize arrived in this port on the 15th of the same month, and of this circumstance, as well as of the nature of the seizure, and the health of the negroes, the Court received due information from the respective reports of the Marshal and Surgeon. Fortunately not a single death had occurred amongst the 350 slaves between the capture and arrival of the prize here, and still more gratifying was it to learn that "the general aspect of these people was uncommonly healthy." Their landing, however, took place without loss of time, as any longer detention on board a close and confined slave-vessel might have led to consequences fatal to some of the negroes.

The captor's proctor instituted proceedings in prosecution on the 16th ultimo, having received permission to file the declaration, the ship's papers properly authenticated, and the affidavit of seizure. At the same time the monition issued, and the Court directed the examination of the witnesses to be taken.

The declaration of the Hon. J. Denman, Commander of Her Majesty's sloop "Wanderer," sets forth, that the capture took place on the 10th of December, off Seabar, the vessel being bound thence to Havana, and that there were then on board 350 slaves, shipped on the 6th of the same month.

On the 18th of December the master, Manuel Fernandez, deposed that "he was born in Havana, where he has always lived. Is a subject of Spain, and has never been a subject of any other state. Is married, and his wife and family reside with him at Havana. Was appointed to the command and had possession given him at Havana, in September or October last, by Estevan Diaz, a Spaniard, as witness thinks, living at Havana. First saw the vessel there and then. She was built in Havana. Was present at the capture, which took place because the vessel carried slaves. The vessel sailed under Spanish colours, and there were no others on board. The vessel is called the '*Reglano*.' Never heard of her bearing any other name. Thinks she is of 77 tons burden. There were 21 officers and mariners, exclusive of witness, all Spaniards, and all hired and shipped by witness at Havana in October last. Neither he nor any of the officers or mariners had any interest in the vessel or lading. Was master on board. There were 18 passengers, whose names are unknown to witness, all Spaniards and seamen taken on board at Seabar on the 8th instant, and destined to Havana; witness does not know on what business. None of them had any interest or authority in or over the vessel or her cargo. The voyage began and was to end at Havana, which was the last port of clearance. The vessel touched at Porto Praya, Cape Verd Islands, for water and provisions; and at Seabar for a cargo of slaves, which was procured there. The capturing ship was first seen off Seabar at half an hour after noon on the 9th instant. Was steering for Cuba at the time. Chase took place immediately, and capture at five o'clock on the following morning. The course was altered and all sail made. The course as prescribed by the papers had been always adhered to when the weather would permit. One pivot gun, an 8-pounder, is mounted on board, and there were 11 cutlasses, 20 muskets, and 100 lbs. of ammunition. The vessel was so armed for defence against piratical vessels and against risings of the slaves. No resistance was made to capture, nor were there any instructions for resisting or avoiding capture, or for destroying or concealing the vessel's papers. Estevan Diaz, from whom witness received command and possession, was the sole owner of the vessel. Cannot state positively where he was born, but thinks he is by birth a Spaniard. Does not know if he be married, or how long he has lived in Havana, or where he may have resided previously. Knows nothing of any bill of sale. Thinks the price was 9500 dollars. Believes it was paid; but does not know if it was a fair equivalent, or if the transfer was a true one. The owner of the vessel was the sole owner, so far as witness knows, of the outward cargo and of the slaves. The slaves were to be delivered on the Havana Coast for the real account, risk, and benefit of this person. Believes it because he had no dealings respecting the adventure with any other individual. This is the vessel's first voyage. There was an outward cargo of rice. The number of slaves taken on board was 359, whose descriptions witness cannot give; all embarked at Seabar, and all from the shore. After capture the vessel was brought direct to Sierra Leone. The passports and other papers were and are all entirely true and fair. None of the papers were destroyed, concealed, or made away with. There are no writings relating to vessel or cargo in any other country. There was no charter-party. Does not know if the vessel or goods are insured. With respect to her employment in trade the vessel was under the management of witness. Nothing was taken out of the vessel at the time of capture. A quantity of cabin plates, provisions, candles, blocks, the mate's charts, and the covers, mounted with brass, of the gun and of the powder magazine were taken from the detained vessel since her arrival in harbour by a petty officer of the capturing ship, as witness has been informed by the mate. He and the detained crew have been well treated."

The second witness, Juan Roman, the cook, did not afford evidence of so full a nature as that given by the master; nor could it reasonably be expected that, from his station on board, such would have been the case. With the owner's name he was acquainted, as well as with the immediate history of the voyage; but as to the price or transfer of the vessel, and her papers, or as to the person who gave the command to the master, the cook professed entire ignorance. In one point, however, there is a discrepancy between his evidence and that of the previous witness, for he declares, on the question of removal of stores from the detained vessel, that "nothing has been taken out of the vessel since capture."

Publication of the foregoing evidence was decreed on the 17th of December. This proceeding made the captor's proctor acquainted with the charge of robbery brought against his client, to rebut which he presented an explanatory affidavit of the prize officer, Lieutenant Tracy. From this document it appeared, that all the articles enumerated by the master, except the top of the powder magazine, provisions, and the mate's charts, had been abstracted by the prize-crew without the privity or consent of Lieutenant Tracy; but that he, on the moment of being made cognizant of the master's statement, immediately re-possessed himself of them, and placed them in the custody of the Marshal of the Court. Respecting the provisions said to have been removed by the prize-crew, Lieutenant Tracy explained that they consisted only of their savings from the naval rations issued to them on joining the prize. The charts, it appeared, had not been removed, but were then in the cabin of the vessel, and in charge of the Marshal.

On the 23rd of December, the day of the expiration of the monition, the Court sat for the trial of the "*Reglano*." With respect to the charge against the prize-crew of carrying off property from the prize, the Court deemed the restitution of a portion of it to a certain extent satisfactory; but at the same time remarked that the practice of removing any article from a prize was open to reprehension.

Lieutenant Tracy's explanation of the top of the magazine not being forthcoming was also admitted, since the Court did not think fit to allow the correctness of the master's allegations that its absence was caused by the prize-crew. It now only remained to record a sentence of condemnation against the "*Reglano*," and to decree the freedom of the 348 surviving slaves out of the 350 originally captured.

(Signed) WALTER W. LEWIS.
JOHN JEREMIE.

No. 66.

Her Majesty's Commissioners to Viscount Palmerston.

Sierra Leone, December 31, 1840.
(*Received April* 13, 1841.)

My Lord,

With reference to our Despatch of the 7th of February, 1840, respecting the presentment of the case of the schooner "*Clara*" in the British and Spanish Mixed Court, and the eventual postponement of her adjudication, in consequence of the non-appearance here and doubtful fate of the vessel, we now beg leave to enclose to your Lordship our Report of the case of the "*Clara*," which was concluded this day by a sentence of condemnation. We were enabled to come to a final decision in this matter from having lately received evidence of the existence of the "*Clara*," in a correspondence between the Admiralty, the commander-in-chief, and commodore of the West Indian Station, and the captor; as well as in Captain Douglas's certificate of the present condition of the prize, which had been hauled up near the naval yard of Port Royal, Jamaica, in consequence of her unseaworthiness rendering her unfit to perform the voyage across the Atlantic to Sierra Leone.

The case of the "*Clara*" bears strong marks of resemblance to that of the "*Eagle*" (reported in our Despatch of January 20, 1840) up to the time that the latter perished in the gale of wind off Bermuda, on her way hither. Both were disguised by a false nationality, ostensibly American, but really Spanish; each was found with Spanish as well as American papers; they shipped their outward cargoes at Havana, and sailed thence under the navigation of a crew chiefly Spanish, and with an American captain of the flag on board, to endeavour to keep up an American appearance; the one like the other encountered the same difficulties in prosecution, having been rejected by the government of the United States, and by the Vice-Admiralty Court at Bermuda; in both the cases neither the vessels themselves nor the witnesses made their appearance here; and, finally, the grounds of condemnation in the one case assimilated closely to those in the other.

The "*Clara*" sailed from the Havana in the month of November, 1839, with an ostensible destination to St. Thomas's, on the Equator, having a cargo on board embarked by the Spanish supercargo, according to the custom-house clearance, and according to the bill of lading, on account of the well-known Havana firm of Pedro Forçade and Company.

On the 18th of March, 1839, this vessel was detained by Her Majesty's brigantine "Buzzard," for adjudication here, as a vessel with a *bonâ fide* Spanish nationality, and as such illegally equipped. The seizor was not, however, allowed to carry out his intention, as the senior naval officer directed the prize to be conveyed to New York for delivery to the government of the United States, as previously mentioned.

All the American papers, including even the mutilated United States' register, found on board this vessel, were authenticated at Havana by the American vice-consul, Mr. J. A. Smith. Among the Spanish documents found in this vessel there were a log and several letters written in the river Nun. Nothing could have been more fortunate than the production of the latter, establishing clearly as they did the real Spanish character of the expedition of the "*Clara*." Nor was this all: to these last papers we have been indebted for the discovery of the illegal occupation of the supercargo and mate of the prize, in collecting slaves for her return cargo, whilst that vessel remained quietly at anchor in the river Nun.

These facts, added to a Spanish course of trade, and the important circumstance, that from the ship's papers of the "*Clara*" no national character was

fairly derivable, rendered it impossible to attribute to her any other than a Spanish nationality. The American master's admissions of the fraudulent character of the whole of the American papers, as contained in the sworn declaration of the captor, although not direct and admissible evidence, afford strong corroboration that such was the "*Clara's*" *bonâ fide* character.

The equipment of the "*Clara*" for unlawful purposes could only be learnt from the captor himself in the absence of both vessel and witnesses. However, as this evidence rested upon a sworn declaration of the captor, and upon the fact that the presence of such articles could alone form just grounds of seizure, it could not be rejected, supported also as it was by the reasonable inferences from the proved fact of a cargo of slaves having been in the course of collection for the "*Clara.*"

A Spanish nationality and an illegal equipment having been thus proved, a sentence of condemnation was passed upon the "*Clara*" on the 31st of December, 1840.

Mr. Francis T. Montell of Baltimore appears to have been the American owner of the vessel.

At the adjudication of the "*Clara,*" his Excellency Sir John Jeremie, the Acting Commissioner, felt it his duty to avail himself of that the first opportunity which had offered to state publicly his professional opinion on the points mooted in the case of the "*Mary Anne Cassard,*" and which bore so strongly on that of the "*Clara.*" His Excellency fully concurred with the Queen's Advocate-General's report, as will be seen by a copy of that opinion herewith transmitted.

We have, &c.
(Signed) JOHN JEREMIE.
WALTER W. LEWIS.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

First Enclosure in No. 66.

Report of the Case of the Schooner "Clara," *Samuel B. Hooker, Master.*

Sierra Leone, December 31, 1840.

On board of this vessel the following papers were found:—

1. A mutilated United States register for the schooner "*Clara,*" forming one moiety of the said paper, which had been cut through from the left-hand corner at the top to the right hand-corner at the bottom, in order to invalidate the document, as is usual when American vessels are sold to foreigners.

On the back of this paper there is a certificate of the American vice-consul, Mr. Smith, without his official seal, bearing date at Havana, the 31st of October, 1838, and stating that Samuel B. Hooker had superseded William W. Huffington as master of the "*Clara.*"

2. The bill-of-sale of this vessel, which has been affixed by a common wafer to the aforesaid *mutilated moiety of the original* register, expresses that the above-named William W. Huffington was the agent of the owner of the "*Clara,*" Mr. Francis T. Montell of Baltimore, State of Maryland, and had sold her to Hooker for 6000 dollars. The schooner is described as being 97 11-95th tons burthen. This document was signed at Havana on the 26th of October, 1838, on which day the American vice-consul officially certified to the due execution of the transfer.

3. Is a muster-roll, which states the crew to consist of 4 Americans and 4 Spaniards, and that the vessel was bound to the coast of Africa. The vice-consul, Mr. Smith, certified to the verification of this roll in his presence on the 7th of November, 1838.

4. Manifest of the "*Clara's*" cargo, stating that Eugenio Viñai, the supercargo, had shipped on the 7th of November, 1838, with the destination of St. Thomas's, 25 pipes of spirits, 120 barrel-hoops, 80 kegs of powder, 210 muskets, and 69 rolls of tobacco.

5. Bill of lading, dated Havana, November 14th, for goods shipped on board the "*Clara*" by Pedro Forçade, and consigned to Rodrigo Gonzales at St. Thomas's. In addition to the articles mentioned in the above clearance, the bill of lading refers to 32 bales of cotton goods, a quantity of beads, 200 cane-knives, and 200 looking-glasses, being on board; and the master, Hooker, by his signature certified to its correctness.

6. A trade-book, containing the account of the receipt of slave-provisions and 62 slaves at the barracoon in the river Nun, the latter, no doubt, destined to form a part of the return-cargo of this vessel, as the account appears to have been kept by the Spanish supercargo of the "*Clara.*"

7. The log-book of this vessel, written in English by Hooker, the master, describes her as having left Havana on the 14th of November, 1838, and as making the African coast at Cape Mesurado on the 28th of December following. The "*Clara*" touched at Garraway, on the Grain Coast, for two days, and then proceeded to the Nun, where she arrived on the 23rd of January, 1839. Up to the 1st of March the "*Clara*" remained at anchor in the Nun; and from the absence of the Spanish supercargo on shore, as noticed in the log, it appears that whilst the vessel herself continued thus unoccupied, he was then engaged in the purchase and collection of a return-cargo of slaves.

Besides this log, there was a log-book kept in Spanish by the mate, Panasco, containing accounts of

his several voyages at different periods, in the years 1836, 1837, and 1838. Each treats of the adventures of separate vessels, the "*Neptuno*," "*Diamente*," "*Barbara*," and "*Gabriel*;" and in the latter case, from the notorious character of the vessel, and the fact of the voyage having been ostensibly to Prince's Island, little doubt can exist as to the illegal employment in which she was engaged. In all these voyages Panasco acted as mate, until at last he embarked on board the "*Clara*" as first pilot. His account of the "*Clara's*" voyage agrees with that given by Hooker's log.

8. Is a code of signals.

9. A certificate of the American citizenship of Samuel B. Hooker, to whom it was granted at New York on the 21st of August, 1838, by the collector of customs.

Amongst the remaining papers are seven letters, written in the river Nun by the Spanish supercargo of the "*Clara*," Eugenio Viñai and José de Egeo, to Tomas G. Panasco, who seems to have been the Spanish mate, and left in charge of the vessel, whilst the supercargo ascended the river and endeavoured to purchase a cargo of slaves. The letters are dated in January and February, 1839. Nothing could more clearly indicate the intended guilty employment of the "*Clara*" than the general purport of these letters, passing as they did between the principal parties engaged in the adventure of the vessel. That Viñai, during his stay up the Brass river, was actively and anxiously occupied in buying negroes, every one of his communications to Panasco distinctly proves. In the first he says, when complaining of the "numerous feasts and the drunken state" of the natives,—"Pedro ought not to have detained the canoe so many days; it might have *put on board what slaves I have on hand.*" Again, in the same letter, I am already promised four [slaves] before long." "At present they are only to be purchased for spirits and tobacco." Another letter shows that the promise of getting four slaves had been actually fulfilled. In a third Viñai advises Panasco of his having forwarded on to him "six slaves from Quinbocoy, one from Calebar, and two from Pedro." At the same time he complains much of the difficulty of making a good selection of negroes, and of the expense incurred on every occasion of making visits to inspect slaves put up for sale. His hopes, however, of a successful adventure are by no means slight; for after writing the above, he tells his partner in guilt, with much confidence, that "our cargo of slaves ought to be good, as I have used every care in the selection; and they are principally from Calebar and Bonny, from which places they are always considered good." The number of slaves, as it would appear, being nearly completed and ready for shipment, Viñai next sends instructions to the mate to lay in a stock of farina and yams, and gives him general suggestions as to the proper mode of diet. In the last letter, however, other opportunities having occurred of adding to the slaves already collected, Viñai makes Panasco acquainted with this circumstance, sending him at the same time several articles of provisions.

Such are the contents of the supercargo's correspondence with the first mate. The seventh letter from José de Egeo is of minor importance, although it makes some allusions to Slave-trading transactions.

Of the private papers but one remains to be noticed, and that is the agreement between "King Quinford and the *captain of the Clara*," as to the quality and quantity of the very large presents to be given by the latter to the former, according to the usual custom prevalent along the whole of the African coast.

Viñai, the supercargo and real Spanish master, having nearly completed his purchases, and his mate having already received a large quantity of provisions on board, Her Majesty's brigantine "Buzzard," Lieutenant Fitzgerald, commanding, appeared off the Nun, and, after a search, detained the "*Clara*" on the 19th of March, 1839, for being unlawfully equipped for the Slave Trade.

Before entering into a detailed account of the proceedings in prosecution, as instituted before the British and Spanish Mixed Court in January and December, 1840, it will be necessary to describe the steps taken by Lieutenant Fitzgerald with regard to his prize, in order to explain the reasons which caused so long an interval to elapse between the capture of the "*Clara*" in March, 1839, and her prosecution in January, 1840.

After seizure the captor had originally intended to have dispatched his prize direct to Sierra Leone for adjudication; but in this he was frustrated by counter orders from the senior naval officer, directing him to proceed with his prize to New York, and there deliver her up to the Government of the United States as an American vessel seized *flagrante delicto* for a breach of American laws. Accompanied by Her Majesty's brigantine "Buzzard" the "*Clara*" sailed from Prince's, the place of rendezvous, with the senior officer, direct to New York, and arrived there on the 19th of August, 1839, together with the "*Eagle*," another vessel under the United States colours, seized by the "Buzzard." Through the medium of Her Majesty's Minister at Washington, Lieutenant Fitzgerald received the decision of the United States Government respecting the "*Clara*" and the "*Eagle*," the latter already reported in our Despatch of the 20th of January, 1840. By the official opinion of the American Attorney-General it was decided that the "*Clara*" could not be considered the property of an American citizen, but rather of a Spanish subject resident in Cuba; and that, therefore, no such vessel could be prosecuted in any American Court, those Courts not possessing jurisdiction over the property of other nations. More delay now arose from the "*Eagle*," the "*Clara's*" consort, having been unfortunately blown ashore in a gale of wind; and, in the interim, the only two witnesses in the case, the mate and boatswain, succeeded in effecting their escape. The "*Clara*" was then dispatched to Bermuda with the view of being prosecuted in the Vice-Admiralty Court of that place; but the case having been rejected, the captor finally determined to repair with his prizes to this colony, and left Bermuda on the 22nd of November, 1839. In the passage across the vessels encountered a heavy gale, and the "*Clara*" parted company. The fate of the "*Clara*" remained a long time doubtful; but the captor still continued his course hither, and arrived in this harbour in the month of January, 1840.

On the 28th of January, 1840, the case of the "*Clara*" was brought before the British and Spanish Court, a Monition issued, and the papers found on board, together with two sworn Declarations of the captor, were allowed to be filed.

Containing as these Declarations do the most ample information as to the facts of seizure and the subsequent history of the "*Clara*," it has been deemed right to transcribe them *in extenso*.

The first Declaration is as follows: "I, Lieutenant Charles Fitzgerald, commanding Her Britannic Majesty's brigantine 'Buzzard,' hereby declare that on this 18th day of March, 1839, being off the mouth of the river Nun, in latitude 4° 23′ N., longitude 6° 5′ E., I detained the Spanish schooner named the '*Clara*,' commanded by Samuel B. Hooker, who declared himself to be a citizen of the United States, and that he is not the *bonâ fide* owner of the said schooner, as set forth in the Bill of

Sale found amongst her papers, and that the said schooner and her cargo is Spanish property, and was equipped in Havana for the Slave Trade in November last year, and that the three persons now on board her are Spanish subjects (their names, as declared by them respectively, are set forth in a list at the foot hereof), and were entered at Havana as part of the said schooner's crew. The said Samuel B. Hooker also declares that he was engaged by Don Pedro Forçade and Co. (Spanish merchants residing in Havana), as a citizen of the United States, in order to cover the said Spanish schooner and her cargo with the flag of the nation of which he is a citizen, and that he hath no interest, nor expected interest, in the said Spanish schooner, further than what his wages might have amounted to at the termination of his destined voyage.

"The said Samuel B. Hooker also declares that the said schooner '*Clara*' was lying in the river Nun taking in provisions for her expected cargo of slaves; and that about 80 slaves had been bought, and are now in the barracoon near to which the schooner was lying; and that the said schooner would have sailed out of the river Nun in the course of a week or ten days, with at least 300 slaves on board, destined for the Island of Cuba."

The second Declaration runs thus: "I, Lieutenant Charles Fitzgerald, commander of Her Britannic Majesty's brigantine 'Buzzard,' do hereby declare with reference to my original Declaration of the capture and detention of the Spanish schooner '*Clara*,' dated 18th March, 1839, that being ordered to rendezvous at Prince's Island within a week from the time of capture, I did so; after which it was my intention to have sent that vessel immediately to Sierra Leone for adjudication, and to have accompanied her with the 'Buzzard,' the case being a novel one, but that meeting with Captain Tucker, the senior naval officer in the Bights, at the rendezvous at Prince's Island, he ordered me to proceed forthwith to New York with the '*Clara*' and '*Eagle*,' and there place them at the disposal of the American Government, with a view and in the hope that such a step would effectually stop any further prostitution of the American flag. An obedience to the orders of my superior will, I trust, be deemed sufficient cause to the Honourable Commissioners of the Mixed Courts for the non-fulfilment of the 1st Article of the Treaty, which enjoins the necessity of bringing the vessels with the least possible delay to the nearest Mixed Commission Court.

"I arrived at New York on the 10th of June, 1839; and on the 19th of August following, while there awaiting the decision of the American Government respecting the said vessels, I received a letter from His Excellency H. S. Fox, Esq., Her Majesty's Minister at Washington, enclosing a copy of a communication made to him by the Secretary of State of the United States, to which was annexed the official opinion of the United States' Attorney-General on this case. This opinion being that neither of the two vessels was the property of American citizens, but of Spanish subjects resident in the Island of Cuba, and the Secretary of State having also officially informed Mr. Fox that the American Government had therefore declined to prosecute the vessels in any of its Courts, as it could have no jurisdiction over the property of other nations, I should at once have quitted New York and proceeded with them direct to Bermuda for adjudication, and failing in that would have immediately proceeded to Sierra Leone, but the '*Eagle*' having been ashore on Staten Island during a gale of wind on the 16th of August—the date of Mr. Fox's letter to me—this intention was frustrated, as I was unwilling to leave the vessel aground, while there remained a single chance of floating her. As soon as this was accomplished I dispatched the '*Clara*' to Bermuda, following her myself in the 'Buzzard' the moment the '*Eagle*' could be got ready for sea.

"In the state of ill-feeling amongst the slave-merchants in Havana during last autumn, and their ill-concealed hostility to and designs against officers commanding British cruizers, I did not consider it prudent to send so small a vessel as the '*Clara*' across the Atlantic without convoy, and therefore kept her in my company.

"I further declare that the mate of the '*Clara*' (a Spaniard) deserted from her at New York on or about the 22nd of July, by swimming away at night; and her boatswain deserted from the '*Eagle*' (which vessel I had permitted him to inhabit for the sake of the society of the other Spaniards on board her) a day or two after that vessel went ashore. I made no application to the American Government for the restoration of any of these people, well knowing my doing so would be of no use; an opinion which was afterwards confirmed by a communication to Captain Baynes of Her Majesty's ship 'Andromache,' by Mr. Fox, relative to some deserters from that ship. Mr. Fox stated that he knew of no Treaty or Convention by which the United States were bound to surrender the subjects of a Foreign Power in cases like the present. I therefore did not take any steps in the affair.

"I further declare that when I detained the '*Clara*' in the river Nun on the 18th of March last, she was in every way equipped for the Slave Trade, having on board a large number of unusually large water-casks, a boiler of extraordinary size, and a great quantity of rice, farinha, &c., as food for her expected cargo of slaves; and her slave-deck was conveyed ashore as soon as the approach of the 'Buzzard's' boats was perceived.

"I do further declare that the American master of the said schooner admitted to me that at one time he had on board one of the slaves intended for transportation, and that he was put ashore again when the slave-deck was landed."

For some time the captor entertained hopes that the "*Clara*" would make her appearance; but in this expectation he was disappointed. At length, with the Court as with the prosecutor the opinion prevailed that the "*Clara*" had, like her consort, the "*Eagle*," gone down in the same violent gale encountered by both. From the deficiency of evidence through the escape of the witnesses at New York, and the uncertainty of the existence of the vessel, no further proceedings could then be had in the case. It accordingly became necessary to postpone adjudication for a period, which the Court fixed at one year; unless indeed the vessel herself should arrive, or her existence be ascertained, before the expiration of that term.

The case remained in this state until the 18th of December, when the captor's proctor presented a petition to file an affidavit of Mr. Dougan, another proctor of the Court, with five paper writings annexed, in proof of the "*Clara*" being then at the Island of Jamaica. The affidavit in question authenticated the five letters, and declared that they had been received by the deponent from Mr. Joseph Woodhead, the naval agent in London of Lieutenant Fitzgerald. These papers take up the history of the "*Clara*" from the time she lost the company of her convoy in the gale experienced by them after leaving Bermuda in the month of November, 1839. The prize officer, it appears, then bore up for the Island of Antigua, which he reached in safety, but with his vessel much shattered and disabled. Here the prize remained until the arrival of the Commander-in-chief, Vice-Admiral Sir

Thomas Harvey, on the 2nd of February, 1840, who sent her on to Port Royal, Jamaica, where she was dismantled, and laid up in charge of the Collector of Customs as unseaworthy, and an inventory of her stores at the same time delivered to that officer. Of the certificate of the "*Clara's*" existence and condition, signed by Commodore Douglas, under date of September 8th, 1840, a copy is hereunder given:—

"These are to certify that the '*Clara*,' schooner, detained by Her Majesty's brig 'Buzzard,' Lieutenant Fitzgerald, Commander, was hauled up as high as possible near the Naval Yard at this port by the directions of the Commander-in-chief, where she now is; and I further certify that she was in that condition which rendered it unsafe to have risked the lives of the crew in attempting to cross over to the coast of Africa."

Upon this additional evidence setting at rest the question of the "*Clara's*" existence, and explaining satisfactorily the reason of her non-appearance in this port, the Court determined to proceed to adjudication on the 31st instant.

In the judgment pronounced upon this occasion, the Court took a preliminary review of the proceedings of the captor and his prize from the first seizure in March 1839, to her final prosecution. But as all this has been recapitulated in the foregoing Report, it will be unnecessary to repeat it in the terms of the judgment.

Before discussing the leading questions of nationality and illegal equipment, the Court commented upon the want of the usual depositions and the absence of the vessel—circumstances which, but for the precedents furnished by the cases of the "*San Rafael*," "*Conchita*," and "*Eagle*," might have led to difficulties not easily to be surmounted. As it was, the escape of the witnesses rendered the usual direct testimony afforded by those concerned in the captured vessel unavailable: fortunately, however, even the *ex parte* evidence of the prosecutor, strengthened by the admissions of the Master, afforded proof sufficiently strong to determine the matter at issue. Added to this, the well-known decision of Her Majesty's law-officers in the case of the "*Fabiana*," that certain deviations from the Treaty do not necessarily invalidate a capture, applied in every respect to the departures from the usual course in the present instance.

These points disposed of, the Court proceeded to the consideration of the authority of this vessel to an American national character, and which was found to depend on the validity of her three ship's papers, the mutilated register, the bill of sale, and muster roll. The first the Court at once pronounced to be valueless for the purpose of securing to the "*Clara*" an American nationality, as it is well known that American ship's registers are thus treated when their vessels are sold to foreigners, and that the American law directs the transmission of the moieties of such documents to be returned to the port of their issue. In addition, therefore, to the deficiency of evidence of the vessel's American character thus created by the imperfections of the paper intended to serve as the register, there arose a well-founded suspicion that the "*Clara*" had assumed a foreign character. The Court was also of opinion that even the bill of sale and the muster-roll of this vessel, authenticated as they had been by the American Vice-Consul's certificates, could not be viewed as supplying her with more than a temporary claim to American nationality; and that such temporary advantage must be, of course, limited to the time necessary to enable the vessel to proceed direct to some port in the United States, there to be duly documented according to the laws of the States.

Neither law nor justice seem to require that a more extended view of the value of the papers in question should be taken; that such papers should affix a certain nationality upon a vessel to navigate freely the high seas under a flag supported by such questionable credentials, and the Court accordingly declared it impossible to extend to them a more liberal interpretation.

From other authority, therefore, than the ship's papers, must the nationality of the "*Clara*" be derived.

One of the log-books found on board this vessel, which is written in Spanish by a seaman named Tomas G. Panasco, who appears to have been the mate of the "*Clara*," described her as having been under the command of Eugenio Viñai, the same person in whose name all the cargo was embarked at Havana. These two persons would therefore seem to have been the Spanish master and mate, disguised during the outward voyage, but ready on the embarkation of the return cargo of slaves to assume their real stations on board. Panasco's log-book bore every appearance of being a faithful record, and could not but constitute a good index of the writer's capacity on board the detained vessel, and of the object with which she had visited the river Nun.

Abundant proof had been afforded by the correspondence, already noticed, that Viñai and Panasco had been engaged in the collection and care of a cargo of slaves in the Nun; whilst the "*Clara*" remained at anchor in the same river. The rough book, also described, contained an account of the quantity and description of provisions received at a barracoon on shore, as well as the description of sixty-two slaves lodged there and intended as a part of the "*Clara's*" cargo.

That the management of the "*Clara*" and the direction of her voyage had been consigned to Spaniards, her outward cargo shipped by Spaniards for Spanish interests in the Spanish port of Havana, then bartered away on the coast by Spaniards for slaves, were facts substantiated by the most sound proofs. It would, therefore, have been unreasonable, in the face of evidence thus confirmed, to have placed against it any that could be produced from ship's papers such as the "*Clara*" possessed. The Court accordingly pronounced the "*Clara*" to be a Spanish vessel.

The Spanish nationality of the "*Clara*" having been determined, it then only remained to decide whether the charge of being illegally equipped was well founded.

From the singular position of the captor, his prize being in the West Indies and the witnesses also absent, no direct evidence on this matter but that which he himself could afford was forthcoming. In his second Declaration he has stated on oath that he had detained the "*Clara*" for "having on board a number of unusually large water-casks, a boiler of an extraordinary size, and a great quantity of rice, farinha, &c., as food for the expected cargo of slaves," the latter articles not cleared out as cargo. Of this fact there could be no doubt, as proof of there being equipment could alone justify the seizure and lead to the condemnation of this vessel; more particularly as the collection of a cargo of slaves for the return voyage had been distinctly substantiated. For, if such a cargo were required, the presence of such an equipment could not but be necessary. Under all these circumstances the

Court felt bound to declare that the "*Clara*" had been illegally equipped when seized, and accordingly to pronounce her a good and lawful prize to the Crowns of Great Britain and Spain.

(Signed) JOHN JEREMIE.
WALTER W. LEWIS.

Second Enclosure in No. 66.

Opinion pronounced by the Acting Commissioner, Sir John Jeremie, in the case of the schooner "Clara," *Samuel B. Hooker, Master.*

As this is the first case in which the doctrine laid down in the judgment of the "*Mary Anne Cassard,*" controverted by the Queen's Advocate, comes before the Mixed Commission Court since the present Acting Commissioner has been a member of it, and as the principles briefly stated by the Queen's Advocate have been since received and acted upon *sub silentio*, and without argument, he conceives this the proper time to record that he entirely concurs in Sir J. Dodson's opinion. He is aware of the very great weight attaching to the opinions of the Judges who determined the case of the "*Mary Anne Cassard,*" of the additional force their opinions acquire from certain *obiter* remarks of Lord Stowell's in the case of "*Le Louis,*" and cannot refrain from expressing his admiration of their lucid and elaborate argument. But it strikes him that a broad and palpable distinction exists between the case of "*Le Louis*" and the present, or that of the "*Mary Anne Cassard.*" "*Le Louis*" was admitted to be French—her papers, the flag she navigated under, were in perfect accord with her national character—and, therefore, whether the trade she was engaged in was legitimate or illegitimate according to the laws of France, was a question for the consideration of her Government alone, so long as that Government had not conceded to others a qualified right of police over its shipping.

But the very ground upon which the present ship is brought into this Court is, that her American character is merely assumed to cover an unlawful purpose, and that neither the papers nor the flag accord with the national character of this ship, which was in reality Spanish. Now neither at sea nor on shore can one offence be covered or protected by the commission of another, or impunity secured to crime by simulation.

And that Slave Trading is a crime by the Spanish law, and that the crown of Spain has conceded to the national flag of Great Britain a right of supervision and police over this particular crime, when committed by Spaniards, is shown by the Treaty.

That "*Le Louis*" was correctly delivered up, on the general ground of a defect of jurisdiction in any English Court to entertain her case, it would be presumptuous to call in question; nor, for the reasons already assigned, is there the remotest wish to do so. But that the language of the distinguished Judge on that occasion should be considered as directed principally to the subject matter then immediately before the Court, and that this precedent should be held chiefly to apply to cases arising under circumstances identical or very nearly so, according to the established practice of Courts of Law, there can be little doubt.

It is the Acting Commissioner's impression that some misapprehension exists as to the precise meaning which in these matters has attached to the word "search," and that in reality two rather different significations have been occasionally given to that term, however simple in itself.

To search may signify, as it did generally in time of war, what seamen technically term to "overhaul" and "rummage," which was almost universally done with neutrals for the purpose of ascertaining that they were not used as carriers of belligerents' property, the principle contended for by them that "free bottoms make free goods" never having been acknowledged as part of the law of nations. And in this, the true sense, there can be no doubt that the right of search can only be exercised by Treaty in time of peace, except on grave suspicion; and that any Officer unlawfully assuming this power over the ship of another nation entails on himself the heaviest responsibility. But, if it be contended that by the exclusion of the right of "*search,*" a man-of-war of any nation cannot hold ample communication with any private ship of whatever nation, call for her papers, and ascertain by making reasonable and effectual inquiry that she is what she professes to be—the Acting Commissioner willingly admits they can do no more—then this were giving an extension to the rule which he believes it never has borne in practice, nor ever can bear consistently with the exercise of a proper supervision and police over the high seas, justly termed the common highway of nations—then, taking the word "search" in its strongest sense, the right to exercise it has always been recognised on suspicion of piracy. Now piracy is a term of very indefinite signification; and, though there are certain offences amounting to piracy by the laws of *all* countries, yet are there others which have been pronounced *piracy* by the mere fiat of particular legislatures, so that piracy does not invariably bear the same definition in the laws of every country. In England it has been repeatedly created by statute—see Stats. 11 and 12 Wm. III., c. 7—6 Geo. I., c. 19—and 8 Geo. I., c. 24; and British subjects or persons engaging in the Slave Trade "shall be deemed and adjudged guilty of piracy"—see 5 Geo. IV., c. 113, s. 9. And by the French law "any master of a ship convicted of sailing under different flags shall be, with his abettors and accomplices, prosecuted and adjudged a pirate"—Arrêté de l'an 12. Merlin's Repertoire, *verbo* "Pirate,"—so that the mere *sailing*, without any aggression, under more than *one* flag, is with them piracy.

Then what to a seaman are the external signs which will excite a suspicion of piracy? The being calculated for running instead of carrying a cargo—a warlike instead of a pacific build and equipment—the slight shape—tapering masts—large sails—supply of guns—numerous crew—the latitude she is found in—the course she is steering—all which characteristics apply equally to Slave Traders—offences, as is perfectly notorious, too often committed by the same parties. Though even this will not sanction the "search" of a vessel whose national character is undoubted, except such "search" be authorised by Treaty, or there be grave suspicion of that kind of piracy which is recognised by the law of nations. But these remarks show how delicate and difficult is the position of national cruizers in regard to such matters.

The Acting Commissioner cannot but add, that he fully concurs in the American decision in the case

of the "*Eagle*," and in the proceedings of the Government of the United States on similar occasions—all which strongly fortify his position; the one great question being in such cases to ascertain the true nationality. But combine the doctrine of the "*Mary Anne Cassard*" with that of the "*Eagle*," and the culprits (with ship and cargo) would escape untouched under any law, English, Spanish, or American, though engaged in the violation of the laws of the three countries: for, if an English cruiser cannot ascertain a ship's real character, so long as she displays the flag of the United States, and produces papers of questionable authenticity from an American agent, neither can a Spaniard. Whilst when seized by an American no American Court could condemn her, though loaded with slaves, if the slaves and ship belonged to a foreigner—even supposing she had not also evaded detention by American cruizers by the simple expedient of hoisting *to them* the flag of Spain, and producing her Spanish papers.

Then it seems admitted that the papers must be produced, for which purpose there must be an effectual communication. But why require the production of papers or the exhibition of a flag, if the genuine character of both, their truth and authenticity, is not to be ascertained? The enactment in ch. 73, 2 and 3 Victoria, as to "vessels engaged in the Slave Trade not being justly entitled to claim the protection of the flag of any state or nation," appears consequently to the Acting Commissioner in every respect conformable to the principles of the law of nations.

No. 67.

Her Majesty's Commissioners to Mr. Backhouse.

Sierra Leone, December 31, 1840.
(*Received April* 13, 1841.)

SIR,

IN pursuance of the 75th clause of an Act passed in the fifth year of the reign of His Majesty George the Fourth, entitled "An Act to Amend and Consolidate the Laws relating to the Abolition of the Slave Trade," we have the honour to enclose a Return of all vessels adjudicated in the British and Spanish Mixed Court from the 1st of July last to this date.

We have, &c.
(Signed) JOHN JEREMIE.
WALTER W. LEWIS.

John Backhouse, Esq.
&c. &c. &c.

Enclosure in No. 67.

Return of Vessels adjudicated by the British and Spanish Mixed Court of Justice, established at Sierra Leone, between July 1 and December 31, 1840.

Name of Vessel.	Colours.	Name of Master.	Date of Seizure.	Where Captured. Latitude.	Where Captured. Longitude.	Property seized.	Seizor.	Date of Sentence.	Number of Slaves captured.	Number died before Adjudication.	Total Number Emancipated.	Tonnage of the Vessel. Foreign, according to the Papers.	Tonnage of the Vessel. English. Old Admeasurement.	Tonnage of the Vessel. English. New Admeasurement.	Decretal part of Sentence, whether Forfeiture or Restitution.	Whether Property condemned has been sold or converted, and whether any part remains unsold, and in whose hands the proceeds remain.
Republicano	Spanish	Felix Marengo	1840. Aug. 14	Harbour	of Sierra Leone.	Brig and Cargo.	Hon. Joseph Denman, H.B.M.Sloop "Wanderer."	1840. ..	..	..	..	..	..	..	Case withdrawn by consent of parties and permission of the court.	..
Plant . .	United States.	J.P.Conthony	July 7	6° 12′ N.	2° 40′ E.	,,	Wm. H. Quin, Esq., H.B.M. Sloop "Persian."	Sept. 1	..	..	..	$208\frac{13}{93}$	$206\frac{23}{91}$	$226\frac{1069}{3500}$	Condemned for being engaged in the illicit traffic in slaves.	Vessel and stores sold at public auction, and the proceeds paid into the Military Chest.
Carolina .	Spanish	Pedro de Sala	— 10	4° 10′ N.	5° 45′ E.	Schooner and Cargo.	Reginald T. J. Levinge, Esq., H.B.M. Brigantine "Buzzard."	..	..	..	..	36	$51\frac{11}{91}$	$29\frac{3013}{3500}$	..	..
Diana . .	,,	Felipe Victorio	— 21	Off Ga	llinas.	Brigantine and Cargo.	Henry W. Hill, Esq., H.B.M. Brig "Saracen."	Sept. 8	..	..	..	118	$185\frac{73}{91}$	$82\frac{2626}{3500}$	..	..
Sirena . .	,,	Manuel Muniz	Aug. 17	,,	,,	Schooner and Cargo.	,,	..	..	..	..	78	$93\frac{5}{91}$	$41\frac{3192}{3500}$	..	..
Palmira .	,,	Narciso Aldavó.	Sept. 15	3° 59′ N.	5° 48′ E.	Brigantine and Cargo.	Wm. Tucker, Esq., H.B.M.Sloop "Wolverine"	Oct. 19	..	..	..	105	$189\frac{73}{91}$	$90\frac{1035}{3500}$	..	..
Felicidade .	Portuguese.	Francisco Medeiro.	Oct. 5	5° 40′ N.	10° 2′ W.	Schooner and Cargo.	Henry F. Seagram, Esq. H.B.M. Brigantine "Termagant."	— 24	..	..	..	85*	$135\frac{19}{91}$	$64\frac{2977}{3500}$	..	..
Veracruzano	Spanish	Antonio Aragon.	— 14	5° 34′ N.	9° 45′ W.	,,	,,	Nov. 5	..	..	..	72	$126\frac{63}{91}$	$56\frac{2679}{3500}$	..	..
Porto Formozo	Portuguese.	Jose Maria Carvalho.	Sept. 16	7° 5′ N.	11°50′W.	,,	Charles Hall, Esq. H.B.M. Brig "Rolla."	..	..	..	..	95*	$135\frac{29}{91}$	$66\frac{1501}{3500}$	..	..
Vanguardia	Spanish	Manoel Irguierdo.	Nov. 11	7° 6′ N.	12°17′W.	Brigantine and Cargo.	Hon. Joseph Denman, H.B.M. Sloop "Wanderer," and Charles Hall, Esq. H.B.M. Brig "Rolla."	Dec. 9	..	..	..	111	$194\frac{75}{91}$	$81\frac{3213}{3500}$	..	..
Reglano .	,,	Manuel Fernandez.	Dec. 10	6° 24′ N.	12°26′W.	Schooner & 350 Slaves.	Hon. Joseph Denman, H.B.M.Sloop "Wanderer"	— 23	350	2	348	77	$116\frac{30}{91}$	$48\frac{1421}{3500}$	..	Schooner and stores in charge of the Commissioner of Appraisement and Sale, the same being ordered to be sold at Public Auction, and the proceeds paid into the Registry, twenty-one days from the date of the condemnation.
Clara . .	United States.	Samuel B. Hooker.	1839. March 18	4° 23′ N.	6° 5′ E.	Schooner	Charles Fitzgerald, Esq. H.B.M. Brigantine "Buzzard."	— 31	..	..	..	$97\frac{11}{93}$	..	..	..	Schooner and stores left at Port Royal, Jamaica, and a Commission issued for the sale thereof.

* The tonnage of the Felicidade and of the Porto Formozo is given from the testimony of the witnesses, no tonnage being stated in any of the papers of these vessels.

Sierra Leone, 31*st December*, 1840.

(Signed) JOHN JEREMIE.
WALTER W. LEWIS.

(Signed) M. L. MELVILLE, *Registrar.*

No. 68.

Her Majesty's Commissioners to Viscount Palmerston.

Sierra Leone, December 31, 1840.
(*Received April* 13, 1841.)

My Lord,

Enclosed we have the honour to transmit to your Lordship an Abstract of the proceedings in the British and Spanish Mixed Court of Justice during the year ending this day.

The number of vessels adjudicated was 20, all of which proved cases of condemnation, with the exception of the brig "*Republicano,*" which vessel was withdrawn by consent of the parties on both sides; the captor finding himself unable to establish the charge which he had preferred against her of being illegally equipped.

In two cases only were there any slaves on board of the vessels condemned, viz., the "*Eliza Davidson*" and the "*Reglano;*" from the former of which two slaves were emancipated, and from the latter 348.

We have, &c.
(Signed) JOHN JEREMIE.
WALTER W. LEWIS.

The Right Hon. Viscount Palmerston, G.C.B.,
&c. &c. &c.

Enclosure in No. 68.

Abstract of the Proceedings during the year 1840, *in the British and Spanish Mixed Court of Justice established at Sierra Leone for the Suppression of the Slave Trade.*

1. The brigantine "*Eagle,*" J. W. Littig, master, sailed under the colours of the United States, and was originally seized on the 14th January, 1839, by Her Majesty's sloop "Lily," commander John Reeves, in Lagos roads, on the plea of her being engaged in Spanish Slave Trade; on which charge she was presented to the British and Spanish Mixed Court of Justice established here for adjudication. The Commissioners, however, declined to entertain the case, stating that the acknowledgment of Captain Reeves (contained in his declaration) that the "*Eagle*" was captured under the flag and pass of the United States, was decisive as to the non-admissibility of the detained vessel into the Courts over which they were appointed to preside.

The prize-officer of the "Lily" did not give up charge of the "*Eagle*" on the British and Spanish Court declining to receive her case, but proceeded with her by an indirect route to Fernando Po, where he met with Her Majesty's brigantine "Buzzard," Lieutenant Fitzgerald commander, and there transferred himself from his prize to that cruiser. Lieutenant Fitzgerald, it appears, examined the detained vessel, and questioned her crew, when the American Master Littig admitted to him that the "*Eagle*" had been fitted out by Spaniards at Havana for Spanish interests, and had been for some time employed in a Spanish course of trade. Upon receiving this information Lieutenant Fitzgerald took possession of the "*Eagle*" as a Spanish vessel unlawfully equipped, and intended, as he subsequently explained, to have proceeded with her to this Colony, and again to have offered her case for adjudication by the Mixed British and Spanish Court. Previous to carrying out this intention, however, he had to resort to Prince's Island to meet his senior officer there, which he did a few days afterwards, and then received orders which induced him to accompany the "*Eagle*" and another detained vessel to New York, for the purpose of delivering up to the government of the United States these vessels, which had been guilty of a breach of the American laws in using the flag and pass of the States to aid and abet the Spanish Slave Trade.

The "Buzzard" accordingly proceeded with her prizes to New York, where Lieutenant Fitzgerald ultimately learned that the Government declined to entertain the case of this vessel, considering her with her cargo to have a complete Spanish character, and confining themselves solely to proceeding against the American Master for his participation in this slave-trading adventure.

The Master of the "*Eagle*" had previous to the communication of this declaration of the Government been removed from the custody of Lieutenant Fitzgerald, on an arrest in a civil suit; and about this time the "*Eagle*" having gone on shore at New York in a very heavy gale, the other witnesses in the case, the Spanish mate and steward, left her, and neither one nor the other could afterwards be found by the captor.

The "*Eagle,*" having been repaired, accompanied the "Buzzard," on the 11th November, 1839, to Bermuda, whither Lieutenant Fitzgerald proceeded, in obedience to orders from the Lords of the Admiralty, to present this vessel for trial by the Vice-Admiralty Court in that colony. That Court, however, refused to interfere in the matter; and the "*Eagle,*" after again undergoing repairs (which, though effected at very great cost, appeared to have been done in an unsatisfactory manner), perished in a gale shortly after leaving Bermuda, on her way to this place, and the prize-crew were with great difficulty saved by the "Buzzard." The captor was thus left with only the ship's papers as the means of prosecution.

On the 25th December, 1839, the "Buzzard" arrived in this port, and on the following 3rd of January, proceedings in prosecution of the "*Eagle*" as a vessel having had a Spanish nationality and been unlawfully equipped according to the terms of the Treaty between Great Britain and Spain, were commenced before the Mixed Court.

In this instance the evidence consisted of the contents of the papers seized on board of the "*Eagle*," and which fortunately had been from the time of her seizure in the keeping of the captor; the sworn declarations of that officer; affidavits of the officers of the capturing vessel to prove the substance of the admissions of the American master, Littig, made before Lieutenant Fitzgerald, at Prince's Island, when he seized the "*Eagle;*" and certain examinations of the captor and his officers and crew upon several points on which the Court desired information. From these sources it appeared that the "*Eagle*" had been transferred, in a very loose and unsatisfactory, and, as was ultimately shown, fraudulent manner, under a power of attorney ,from the Baltimore owners to her master, Littig, on her arrival at Havana from the United States, in order that, although really Spanish property, she might still carry the flag of the States; that she was then cleared out at Havana, in May, 1838, for the coast of Africa, with a cargo shipped by a Spaniard named José or Francisco Morales; and that she had then a slave-equipment and Spanish crew on board. The "*Eagle*" proceeded from Havana to the Cape Verd islands, and thence to Lagos, where the Havana cargo was discharged; and from that place (with what lading is not stated) to Bahia, where a return cargo of tobacco having been shipped by Duarte da Silva, in September, 1838, under an order from Joaquim Andreo, of Havana, and, as it is stated, "on account of and at the risk of the parties to whom it may belong," again visited Lagos. Here, on the 23rd December, 1838, the American master entered into a written engagement with Isidoro Miguel Braga, to proceed to Bahia, conveying, on a freight of two dollars each, thirty-two water-casks, said to have belonged to certain vessels lately seized at Lagos, and which casks were to be filled with water for the purpose of ballast for the vessel, and to accommodate a number of persons who were to go as passengers, and who were described as having formed parts of the crews of the said captured vessels. For the passage of each of these sailors thirty dollars was to be paid. The concluding part of this plausible agreement, which however was plainly a contract for carrying a cargo of slaves across the Atlantic, stated that previous to the embarkation of the said passengers the "*Eagle*" was to go to windward in search of provisions for them; and that on her arrival at Bahia another cargo of tobacco would be furnished, with which she was once more to return to the coast. At this time Her Majesty's sloop "Lily" appeared at Lagos, and by the seizure of the "*Eagle*," as previously mentioned, frustrated this well-laid plan for carrying off a human cargo.

In the prosecution of the "*Eagle*" by the second captor, it was proved that the equipment of the "*Eagle*" consisted of from fourteen to sixteen leaguers of the largest size, a complete slave-deck, two large slave boilers, and a large quantity of farinha, beans, and the dried meat usually given to slaves. The absence of all the crew of the captured vessel was explained by the captor to have arisen from the American master having been taken into custody on a civil suit when the "*Eagle*" was at New York, and the escape of the mate and steward when the vessel was ashore in that port; the remainder of the "*Eagle's*" crew having been landed on the Leeward Coast by the original seizor, on her first detention.

The papers of the "*Eagle*" afforded but imperfect evidence of her alleged Spanish nationality. The unsworn admissions of the master on this subject, to which reference has been previously made, the Court declined to receive as evidence; whilst, however, it admitted that their having been reported in the captor's original declaration, which had latterly been attested on oath by him, was entitled to some weight in forming a judgment. The general effect of the whole of the evidence received in this case, coupled with the numerous frauds and evasions practised throughout by the parties interested in the vessel, led the Court to the conclusion that this vessel was entitled to no other than a Spanish character; and as her illegal equipment had been clearly proved, the Court pronounced, on the 18th January, 1840, a sentence declaring that the "*Eagle*" was at the time of her capture subject and liable to seizure as a Spanish vessel unlawfully equipped; and that her case had been rightly prosecuted before the British and Spanish Mixed Court of this colony.

2. The schooner "*Laura,*" sailing under the flag and pass of the United States, with Henry Hantsman as the American master, and Juan Costa as the Spanish captain, was seized on the 7th January, 1840, off Cape Mesurado, by Her Majesty's schooner "Viper," Lieutenant G. J. Burslem commander, for prosecution before the British and Spanish Mixed Court in this colony, on a charge of being a Spanish vessel, and unlawfully equipped.

The "*Laura*" was a Baltimore vessel, registered there on the 11th of May, 1839, and owned by James Hooper, William Cobb, and Andronicus Cheesborough, of that city, who gave a power of attorney, dated the same day as the register, to James Tyler, the master of the schooner, to sell her; for which purpose he proceeded at once to Havana, where, in virtue of a clause of substitution contained in the power of attorney, he appointed Hantsman to act in his stead. This transfer took place in the presence of, and has been certified to by, Mr. Consul Trist, on the 19th October, 1839. At the same time a sale was effected to Juan Costa and another Spaniard, both residents of Havana, and the schooner was then fitted out for this coast, the vessel first visiting Matanzas, which was her last clearing port. From Matanzas the "*Laura*" came direct across to Cape Mesurado, where she was fallen in with and seized by the British cruiser "Viper," as previously described.

The detained vessel arrived here on the 18th January, 1840, and her prosecution was commenced on the 20th, when the following evidence was received in support of it from the American master, Hantsman, and the American carpenter, William Darrow.

The master, who was at first plainly under considerable fear of the violence of Costa, the Spanish master, a person of a ferocious disposition, was eventually induced freely to state that the "*Laura*" cleared from Matanzas with 40 water-casks, which he had no doubt were intended to carry water for slaves. That the original American master, James Tyler, and a Spaniard, had placed him in command of this vessel, the cargo of which was owned by a Spanish merchant of Matanzas, named Cabada. That there were embarked three cabin and nine steerage passengers, all Spaniards and seamen, who were to form the Spanish crew of the vessel on her return voyage to Cuba. The aforesaid Costa and another passenger named Housta exercised authority on board. The transfer of the vessel to the Spaniards was to take place on their arrival at Cape Mesurado. Costa was part or entire owner of the vessel. On the day of seizure, and before the boats of the man-of-war could board the "*Laura,*" the Spaniards burnt five papers, and threw overboard several articles of equipment. There were still, however, remaining on board a slave-deck, 40 leaguers, 200 bags of rice, some mess-tins, with hatch-bars, and a boiler.

The carpenter gave his evidence without any hesitation whatever, and plainly declared that the

schooner had an American captain and crew and a Spanish captain and crew. That Costa, the Spanish master, had from the first commanded the vessel; that he was part owner of her with another Spaniard, who had placed both the masters on board. That Costa had declared to him that he was coming to this coast for a cargo of slaves; and that there were 15 Spaniards on board, who were to form the Spanish crew for the return voyage. He also swore to having assisted in throwing overboard the slaving equipment alluded to by the master; and that there were at that time on board leaguers, a boiler, mess-tins, slave-deck, hatch-bars, and irons, all prepared for the use of the slaves who were to have been embarked on their reaching the Gallinas.

On this very clear and conclusive testimony the Court declared, on the 28th of January, 1840, the "*Laura*" to be a good prize to the Crowns of Great Britain and Spain.

3. The schooner "*Asp*," Wilson L. Weems, master, bearing the flag of the United States, was seized whilst at anchor in the river Nun, on the 16th of January, 1840, by Her Majesty's sloop "Wolverene," Commander William Tucker (b.), on the ground that she was Spanish property and engaged in the prohibited traffic in slaves; on which charges the "*Asp*" was sent to Sierra Leone for trial by the British and Spanish Mixed Court there.

The detained vessel reached this colony on the 29th of February, 1840, and her prosecution was commenced in the ordinary form on the 2nd of March.

From the ship's papers it appeared that the "*Asp*" was built at Baltimore, and received a register there on the 2nd of October, 1839, in which William Knight appeared as owner and master. Under the United States' flag and pass she was then conveyed to Havana, where, on the 14th November, Weems superseded Knight as master; his appointment being effected by Knight in concert with Charles Tyng, an American living in Havana, both of whom were authorised to act for the owners of the vessel. Tyng then embarked a cargo in the schooner, and as many American seamen as were considered requisite to keep up the ostensible character of a lawfully navigated vessel of the United States.

The evidence of the American master, Weems, went to confirm the foregoing history of the vessel and her proceedings up to her arrival at Havana; and he further stated that Simon Terran, and the other partners of the house of Martinez and Company, of Havana, were, with Ramon Garcia Bior (a Spaniard), the real owners of the vessel. That Bior, who was really the Spanish master, embarked as a passenger, with a regular passport as such, and brought with him 21 Spanish seamen, who all did duty on the outward voyage, and who were destined, under the command of Bior, to form the Spanish crew on the vessel being handed over to him by witness on this coast. Terran and Bior were also declared to be joint owners of the cargo, which had been disembarked the moment they reached the Nun, for the purpose, as Weems verily believed, of purchasing a cargo of slaves for the return voyage to Havana, and for the reception of whom she was fully equipped in respect to hatches, plank for a slave-deck, water-casks, and rice. The slave-irons, boiler, and mess-tins had been landed on their arrival in the Nun.

Manuel Arrojo, the Spanish steward of the vessel, by the evidence which he gave, generally confirmed the testimony of the master. He admitted the authority of Bior on board the schooner, and his belief that the equipment was for the use of slaves who were to have been shipped in the Nun; but was ignorant respecting the ownership of the vessel, as might have been expected. He affected to believe that the Spanish sailors were on board as passengers coming to the coast.

The Court considering that this evidence established a Spanish ownership as well as a course of Spanish trade for the detained schooner, pronounced her entitled to a Spanish national character, and, as she had been proved to have been unlawfully equipped in order to carry off a cargo of slaves, decreed her condemnation on the 9th of March, 1840.

4. The schooner "*Lark*," commanded by Thomas M. Solomon, and sailing under the colours of the United States, was seized in the river Nun, on the 16th of January, 1840, by Her Majesty's sloop "Wolverene," William Tucker (b.), Esquire, Commander, and sent to Sierra Leone for adjudication in the British and Spanish Mixed Court as a vessel having a Spanish national character, and in that character being illegally equipped.

The "*Lark*" arrived in this colony on the 29th of February, 1840, and on the following 2nd of March her prosecution commenced on the above-mentioned charge.

From the ship's papers seized on board the schooner and lodged in the Court, and the evidence given by the American master, Solomon, and José Ramirez, the Spanish cook, it appeared that the "*Lark*" had an United States' register, dated at Baltimore the 22nd of April, 1839, in which Francis T. Montell is mentioned as owner, and William Moore as master.

From Baltimore this vessel proceeded immediately after getting this register to Havana, where, on the 11th of May, 1839, W. B. Smith, as agent of the Baltimore owners, entered into a contract with a Spaniard, named Juan Barba, to let the vessel for four months, for a voyage from Havana to Prince's Island or *elsewhere* as Barba might direct, and that, on the expiration of that term, the vessel was to return to Havana. For this Barba was to pay the sum of 600 dollars a month. A note to this contract made by S. P. Terran (partner in the house of Martinez and Company of Havana), describes him as part owner, and as guaranteeing the performance of Barba's part of the contract.

The American master Solomon now superseded the former master Moore, and embarked a crew for the American flag, consisting of six persons, four of whom he subsequently got rid of at Danish St. Thomas's, and shipped four Spaniards in their room. There were also embarked at Havana, all provided with passports for St. Thomas's on the Line, the before-mentioned Juan Barba and fifteen other Spaniards, who were declared by both witnesses as intended to form the Spanish crew on the transfer of the schooner from the American to the Spanish flag at the river Nun. The transfer was evidently to be conducted as such transactions usually are, when every preparation had been perfected for the commencement of the contraband voyage in which she was to have been employed, had the guilty intentions of the Spaniards been fully carried out. On her first arrival in the river Nun the cargo and plank for the slave-deck were disembarked, and she then proceeded to St. Thomas's, where farinha and water were embarked, with which she returned to the Nun and was there captured. The afore-mentioned Simon Terran and Juan Barba, who were owners of this vessel, are both Spaniards, and residing at Havana. The equipment was admitted to consist of casks holding about seventy pipes of fresh water, twenty mess-kids, two iron boilers, one hundred bags of rice, and twenty of

farinha, which the witnesses supposed were for the use and consumption of the cargo of slaves with which she was to return to Havana.

The Court on the foregoing evidence declared this vessel to have been at the time of her seizure entitled to a Spanish national character, and as it had been proved satisfactorily that she was unlawfully equipped, pronounced her confiscation on the 9th of March, 1840.

5. The brig "*Eliza Davidson*," commanded by Alexander B. Hanna, and sailing under the flag of the United States, was seized at anchor off the Plantain Islands on the 4th of April, 1840, by Her Majesty's sloop "Wanderer," Commander the Honourable Joseph Denman, on the ground of her being Spanish property, and as such equipped for the Slave Trade, as well as for having three slaves on board. From the papers of this vessel it appeared that she was built at New York in the year 1828, and that on the 30th July, 1838, James Corner, James J. Corner, and John J. Mattison, of Baltimore, were the registered owners of her, Mattison being also in command of her. On the 16th of December, 1839, a charter-party was entered into at Havana, between Mattison on the part of the registered owners, and Simon de Terran, a partner in the house of Martinez and Company of that city, to let the brig for two years, for the sum of 8,500 dollars (2,125*l.*) at once to be paid, and the charterer in addition to bear the expense of the wages of the crew, and to have the entire management and direction of the vessel. Mattison having appointed Hanna to act as master of the brig in his room, she was then fitted out by Terran, in conjunction with Charles Tyng, an American living at Havana, for a voyage to the Gallinas, with a cargo of merchandize consigned to José Alvarez of that place. This vessel, unlike the "*Asp*" and "*Laura*," also owned by the Spanish house of Martinez and Company, did not embark an American and a Spanish crew, but came to the coast manned entirely with Americans and Englishmen, having cleared out at Havana on the 9th of January, 1840, for Gallinas, which place she reached on the 26th of February following.

The American master of this vessel, and the steward, Charles Knoff, were the witnesses examined in this case, and from their evidence it was learned, that on the brig's arrival at the Gallinas the cargo shipped at Havana was discharged, and other goods embarked by José Alvarez, with which the brig proceeded to Seabar, and there delivered the same to Louis (Lemaignère), a Frenchman, who in return shipped sixty tons of rice. The brig then visited the Plantain Islands, and received on board seventy tons more of rice, all of which was intended for Alvarez; and whilst so employed at the Plantains she was detained. The steward deposed to there having been a previous voyage to the Plantains, when the pilot for Seabar was embarked, and who brought with him as a servant one of three negro boys found on board by the captor, the other two boys having been brought off by the master previously to their leaving the Gallinas from the factory of Alvarez, as the master told him. The master called the two boys alluded to his apprentices; but the steward thinking them to be slaves, recommended him to have nothing to do with them. The steward possessed no knowledge respecting the ownership of the vessel or her cargo from Havana, or of the illegal equipment of the brig; he however admitted as well as the master, that there were casks on board equal to carrying 2000 gallons of water. The vessel's trading, the master swore, was under the direction of Alvarez.

Of the three boys seized as slaves in this vessel, the one who came off with the Seabar pilot at the Plantains appeared to be a free boy named Caulker, and a relative of the chief of those islands of that name; the remaining two, however, on their own showing had been kept, treated, and dealt with as slaves at the factory of Alvarez, by whom they were transferred in that character to the master of this vessel.

The master himself admitted, and the said boys proved, that the establishment of Alvarez was a slave factory. It was also proved that there were a great number of slaves kept chained in this factory; and the boys distinctly swore that it was generally reported and believed amongst the slaves and domestics of Alvarez, that the negroes there collected were to be shipped off in this vessel.

The master's explanation that he had, to oblige a friend at Gallinas, embarked the two negroes for the period of his stay on the coast, in order that they might learn English, the Court considered improbable; and held them to have been on board as they themselves declared in the character of slaves.

The allegation of the captor that the vessel was entitled to a Spanish national character, the Court was of opinion that the evidence had established; and as she was found with two slaves actually on board, and an extraordinary number of water-casks more than were required for the use of her crew, for which no satisfactory reason had been assigned, the confiscation of the "*Eliza Davidson*" and her cargo, and the emancipation of the two slaves seized on board of her, were decreed on the 18th of April, 1840.

6. The schooner "*Octavia*," bearing the flag of the United States, and commanded by Nathaniel Hoyt, was seized at anchor off Popoe on the 3rd of April, 1840, by Her Majesty's brigantine "Lynx," Lieutenant Broadhead, commander, on the ground of her being Spanish property, and as such unlawfully equipped

On these charges the "*Octavia*" was sent to the British and Spanish Mixed Court established at Sierra Leone for adjudication, and proceedings in prosecution were opened in that Court on the 11th of May.

The ship's papers in this case consisted only of a Register and Muster-roll, from which documents it appeared that the schooner was owned by James Bryden Behn of New Orleans, who obtained his Register of her in that city on the 19th of January, 1839; and Nathaniel Hoyt superseded her original master at Havana on the 23rd of November, 1839, from which port she was navigated to this coast by a mixed crew of nine persons, four of whom only were Americans, and the remaining five were described as citizens of the United States, at least "as far as the master could ascertain the fact." The certificates of Mr. Consul Trist gave an official character to the Muster-roll.

The mate and cook of the detained vessel were the witnesses produced by the captor, the master, who was on shore at Popoe at the time of seizure, having neglected to come off to his vessel, although the proper signals were made by his mate for him to do so. Subsequently to the adjudication of the vessel, however, the master arrived in this colony from Popoe.

Of the real ownership of the vessel, or the correctness or number of her papers, neither of the witnesses could give any direct evidence. Concerning the cargo, its custody and management, their testimony was at variance, the mate swearing that it was owned by two Foreign Merchants (who

were passengers) in conjunction with the master; whilst the cook stated that one of the passengers, Don Felice, was the supercargo, and that the master had no interest whatever in the cargo. The cook also contradicted the mate respecting the conclusion of the voyage, which he averred was not to be to the United States, but Havana. The cook's testimony also went to prove that the "*Octavia's*" last voyage was from and to Havana; and both witnesses admitted that their wages were at that high rate usual only in slave-vessels.

The cargo was proved to have been shipped at Havana by a Spaniard named Reira.

A letter which was invoked from the case of the "*Jack Wilding*," condemned here on the 8th of July, 1839, showed the ownership of the "*Octavia*" to have rested in Pedro Manegat of Havana, on the 24th of March, 1839; and as she still sailed under the same American pass that she had at that date, and in which no alteration appeared, there was no reason for supposing that Manegat had ceased to be the proprietor of this vessel. Other invoked papers proved that Mr. Behn had lent his name to keep the United States' flag and pass for the service of the schooner "*My Boy*," at a time when she was really Spanish property.

The Court therefore held that a Spanish character had been made out for the "*Octavia*," and as her equipment was plainly illegal and no satisfactory reason for its being so having been tendered, the schooner's condemnation was decreed on the 5th of June, 1840.

7. The schooner "*Sao Paolo Loando*," Mariano Sgitcovich master, a vessel sailing under Portuguese colours, was seized on the 3rd of June, 1840, at the Gallinas, by Her Majesty's sloop "Wanderer," Commander the Honourable Joseph Denman, on suspicion of her being Spanish property, and as such illegally equipped.

The detained vessel reached this port for trial on the 7th of June, and proceedings were instituted against her in the British and Spanish Court on the following 11th.

From the evidence received it appeared this vessel was built in Cuba about eighteen months since, and was owned by Martin Lasquibar, a Spanish Merchant of Havana, who ostensibly transferred her on the 27th of March, 1840, to José dos Reis, a Portuguese, said to have lived at Havana one year. The Portuguese Consul then gave her a passport to sail under the Portuguese flag. Her Spanish national character was not, however, in reality altered by the change alluded to, she being still *bonâ fide* Spanish.

Beyond a regular slaving equipment this vessel appears only to have embarked at Havana provisions for the crew, and then sailed for the Gallinas. She had two Spanish passengers on board embarked at Havana, one of whom was plainly the supercargo, as appeared from his letter to the consignee at Gallinas, Pablo Alvarez.

The Spanish national character of this vessel and her illegal equipment having been proved, a sentence of condemnation was pronounced upon the said schooner on the 18th of June, 1840.

8. The Spanish schooner "*Maria Rosaria*," *alias* "*Traga Millas*," Antonio Gonzales master, was seized in consequence of being equipped for the Slave Trade, on the 9th of June, 1840, off Cape Mount, in a voyage from Havana to the Malaguetta coast, by Her Majesty's sloop "Wanderer," the Honourable Joseph Denman, commander, and sent to this Colony for adjudication, where she arrived on the 14th of June.

On the following day the prosecution of the "*Maria Rosaria*" commenced, the evidence under which plainly established the equipment of this Spanish vessel for the reception of a cargo of slaves, and her condemnation was in consequence decreed on the 24th of June, 1840.

9. The brig "*Republicano*," Felix Marengo, master, carrying the flag of Spain, was seized whilst at anchor in this port on the 14th of August, 1840, by the Honourable Joseph Denman, commanding Her Majesty's sloop "Wanderer," on the ground of her being illegally equipped according to the 10th Article of the Treaty between Great Britain and Spain.

On the 15th of August proceedings in prosecution of this vessel on the above-mentioned charge were commenced, and from the evidence received it appeared that she had lately borne the flag of Brazil, under which she was condemned in this Colony on the 5th of June, 1840, and that at her sale by auction under the decree of the British and Brazilian Mixed Commission Court she had been purchased by Nathaniel Hoyt, lately master of the condemned slave schooner "*Octavia*." From Hoyt the "*Republicano*" was purchased by Felix Marengo, her master under the Spanish flag, and who fitted her out in this harbour, and was about to clear her at the Customs for a voyage to Cadiz, first having dissembarked one water-cask which the Collector of the Customs considered to be more than was required for the use of her crew as a merchant vessel. The illegal equipment of this vessel was denied by both the witnesses who were examined, and the sworn report of the Surveyors, who had closely inspected the vessel, failed to support this charge in any way.

Of this opinion was the Proctor for the captor on reading the Surveyor's report in the case, for on the 24th of August he presented a joint petition from the claimant's Proctor and himself, asking the Court to stay the proceedings in the case, and that the ship's papers might be delivered up to the captor's Proctor for the purpose of restoring the vessel to the claimant, which was accordingly granted by the Court.

10. The brig "*Plant*," sailing under the colours of the United States, and commanded by John Penison Conthony, was seized by Commander William Henry Quin, of Her Majesty's sloop "Persian," off Badagry, on the 7th of July, 1840, on the ground of her being a vessel entitled, *bonâ fide*, to a Spanish national character, and under which she was said to be unlawfully equipped.

The "*Plant*" reached this harbour for trial before the British and Spanish Court on the 24th of July, and her prosecution commenced on the following 28th.

In the American papers with which the vessel was furnished, it appeared that a person named Seth Jordan was the owner of this vessel, and that previously he had also acted as master in bringing her from the United States to Havana. For the present voyage he had acted as ostensible master of the vessel until she had been cleared out at the Havana Custom-house, and was ready for sea, when the name of Conthony was put upon the papers. The cargo with which the vessel was laden was shipped by the well-known Charles Tyng, an American residing at Havana, and who is so frequently employed in fitting out expeditions thence to this coast under the American flag.

To the manifest of the "*Plant*," which had been drawn up by Tyng, there was attached a regular bill of lading, stating that the cargo was to be delivered at Popoe to Felis Cosmé Madail, agreeably to the terms of the "*charter party*."

The master had written instructions from Tyng, which directed him to the above-named Madail, as consignee of the brig, and who, if he saw fit, was at liberty to employ her in trading along the coast, although the "ship's articles" stipulated that the voyage from Havana to this coast, and back to the United States or West Indies, should not exceed eight months.

Thus prepared to support her American character, having been first provided with the usual papers from the United States' consul at Havana, she sailed for this coast; and had it not been for the discovery, by the seizor, of a packet of Spanish correspondence on board of the "*Plant*," her expedition would very probably have been a successful one. Among this correspondence there were two letters found for the consignee, Madail, at Popoe, written respectively by Abreo and Mazorra, the well-known slaving firm at Havana. From these communications, which were of a lengthened character, it appeared that Abreo and Mazorra had a very extensive right and interest in this vessel and her voyage; that her cargo was theirs, and was to be employed by their agent, Madail, in purchasing slaves on their account. Allusion is made in this correspondence, as in Tyng's instructions, to the privilege of Madail to engage the vessel in trading along the coast, if he should see fit to do so, and that the American master, Conthony, was, if competent, to be employed to sell the goods for money, with which money Madail was to buy slaves.

From the general tenor of the correspondence of Abreo and Mazorra, it was plain that they exercised and enjoyed an unlimited authority and control over this vessel, and that if they were not the real owners of her, they had chartered her on those terms which gave to them all the rights and privileges of owners for the duration of such charter, and thus, being Spaniards themselves, they gave the vessel and her voyage, to a certain extent, a Spanish character. Such was the impression the Court derived from the letters alluded to, and which received some support from the fact of the vessel having had a Spanish flag on board when she sailed from Havana, as well as from the well-known desire which prevails in Cuba to obtain the cover and protection of foreign flags for Spanish slaving adventures.

After the master had been examined in the usual form, and had sworn that all the papers respecting the vessel and her voyage had been delivered up by him, a note was found on searching his baggage, addressed to him by Tyng, stating that he was to have the exorbitant remuneration of 100 dollars (25*l.* a-month) as master of this vessel.

The master filed a claim in this case, and declared therein that the brig and her cargo was the sole property of Charles Tyng, whom he described as a merchant of New York.

The official report of survey of the equipment of this vessel showed her as being fitted with cleats and mortices, made in the sides, for the reception of beams, whereon a second deck might be laid; that she had casks equal to holding 2360 gallons of water; and that the cabouse had three openings to receive boilers, and 5 boilers adapted to those openings were found on board; the use of any three of which the surveyors considered more than necessary for the ship's company.

A great mass of evidence was furnished on both sides. The claimant desired to establish amongst other points that Charles Tyng was a resident of New York, and not of Havana. It was, however, clearly proved that Charles Tyng had a mercantile residence and carried on business at Havana, where he occasionally, if not permanently, resided. No attempt was made to clear up the contradiction given to the brig's official register, by the master having claimed her as the sole property of Tyng, until the claimant's counsel addressed the Court on the day of trial, when he stated that this irregularity arose from the consular authorities at Havana not having power to give the necessary documents. No allusion was made to the absence of a bill of sale in favour of Tyng.

The gross contradictions in the testimony of the master, in his deliberately falsifying the official register of the vessel; his denial of there being a charter-party when he had signed a bill of lading, stating that there was such a document, as well as many other prevarications, suppressions, and falsehoods, induced the Court to reject his evidence, as being unworthy of belief. Mr. Charles Tyng's claim, as preferred by the said master, to be considered as owner of the "*Plant*" and her cargo, was accordingly disproved; the other witnesses who supported the master's statement on this point having no better authority for their testimony than common report at Havana.

Seth Jordan, the person named in the register, the Court looked upon as the ostensible owner of this vessel, and declared respecting him, that as it appeared he had resorted to Havana to fit out, load, and dispatch his vessels, and had there received them on their return-voyages, that city must be deemed to be his mercantile residence in respect to the voyages of such vessels, and that both the owner and his vessels were invested with a Spanish character in relation thereto. Connecting the fact of the brig's Spanish course of trade since she had been owned by Jordan, the master's fraudulent attempt to establish in favour of Charles Tyng an American ownership, in opposition to the papers of the vessel, with the questionable character of the connexion with and interest in the "*Plant*," of the Spanish house of Abreo and Mazorra, as already shown, the Court felt justified in declaring the vessel and her cargo to have a Spanish national character.

The quantity of water which this vessel might have lawfully carried for the use of her crew, ten in number, at the rate of a gallon of water a man per diem, the Court stated would have been 700 gallons; and as she had on board when seized casks capable of containing 2360 gallons, for which excess no sufficient explanation was tendered, it was decided that the charge of illegal equipment had been also proved, and the vessel and her cargo were accordingly declared to be confiscated on the 1st September, 1840.

11. The Spanish schooner "*Carolina*," Pedro Salas, master, was detained on the 16th July, 1840, off the mouth of the river Nun, by Lieutenant R. I. J. Levinge, the commander of Her Majesty's brigantine "Buzzard," in consequence of that vessel being, in the opinion of the commander of the "Buzzard," equipped for the Slave Trade.

On the 28th July, 1840, the prosecution of this vessel on the above-mentioned charge was commenced in the British and Spanish Mixed Court in this colony, from the evidence filed under which and the ship's papers the following circumstances appeared.

The master of this vessel was also described in her papers as the owner, and obtained a passport for his vessel at St. Jago de Cuba on the 30th April, 1840. The vessel then cleared out, with a full cargo, for St. Thomas's on the Line, which official destination was neglected, and the river Nun

about to be resorted to instead, when her seizure prevented the completion of this object. The muster-roll showed that the extraordinary large crew of eleven persons had been shipped to navigate this vessel, although her burthen, according to the register, was only 36 tons. The master and his cook were the two witnesses in preparatory produced by the captor, and both of them deposed at their examination that the schooner was not in any respect illegally equipped. The sworn report of the surveyors to the Court, however, showed that there were on board water-casks equal to containing 960 gallons, a quantity more than requisite for the crew of so small a vessel, and which, in the opinion of the surveyors, ought not to have exceeded six persons, including the master. The cabouse was large for the size of the vessel, and was fitted with cross-bars suited to receive larger cooking utensils than were needed for the crew, and the vessel had five lawful hatches on deck, a number greater than is usual or necessary in a legally-employed merchant vessel.

The master filed a claim in this case, and his proctor, by very voluminous interrogatories, which were put to the parties on both sides, endeavoured to shake the character of the evidence already received, or to draw forth some new feature for his client's interest. He was not, however, very successful in these objects; and particularly as regarded the persons employed under the marshal to keep charge of the prize pending adjudication, of whom he wished to impress the Court with the opinion that they were unworthy of belief. The object of this proceeding was to throw discredit on their statements respecting the finding of $5\frac{1}{2}$ pairs of shackles which had been built into the brick-work of the fire-place, and were there accidentally discovered by the head shipkeeper.

The claimant's proctor, in arguing his case before the Court, endeavoured to prove that, in the absence of all but one prohibited article on board of the "*Carolina*," that fact should be viewed as evidence that the article in question had been embarked for lawful purposes only; and also, by rather an ingenious argument, to show that the crew, and not the water-casks, should be held in this instance to be in excess.

To any such application of the Treaty between Great Britain and Spain, the Court at once objected when commencing to give judgment in the case. In the opinion given by the surveyors of the Court, that this schooner would have been properly manned as a legally employed merchant vessel with 6 Spaniards instead of 11, the Commissioners fully coincided, and were governed thereby in deciding how much water she might lawfully have carried, and which was declared to be 420 gallons, being a gallon a day per man for a voyage of 70 days. The water-casks were therefore capable of carrying 540 gallons more than was required for the use of the crew, and for which no satisfactory explanation had been made. That the construction to be put upon the fact of the schooner having this unnecessary number of water-casks should bring her within the operation of the Equipment article of the Treaty with Spain, the Court considered was strongly supported by the following circumstances: the unusual number of hatches in the vessel, which, though lawfully constructed, might from their number prove useful substitutes for grated hatches; the concealing of shackles on board; the construction of the cabouse, which, though not of the kind prohibited by the Treaty, having no slave-boilers to it, was nevertheless large enough, and might easily have been adapted for the use of such boilers; carrying a crew nearly double the number of that required to navigate the vessel; deviating from the route prescribed by the official papers to visit a notorious slaving port; and, lastly, that the excess of the water as previously described was about the quantity which would have been deemed necessary for the number of negroes which the vessel was capable of carrying, according to the Spanish mode of conducting slaving voyages.

The Court accordingly declared that the illegal equipment of the "*Carolina*" had been proved, and decreed the confiscation of both vessel and cargo on the 1st September, 1840.

12. The Spanish schooner "*Diana*," commanded and owned by Felipe Victoria, sailed from Cadiz on the 16th June, 1840, after having there been provided with the customary ship's papers.

Amongst these the "Registro de viage" deserves notice, for clearing out sundry articles of equipment without exacting the bond required by the Treaty between Great Britain and Spain. The bill of sale also shows the "*Diana*" to have been an old slaver, having been condemned here under the name of "*Iberia*" on the 5th May, 1826.

Although Trinidad de Cuba appeared in the papers as the destination of this vessel, such proved far from being the intended course, as Her Majesty's brig "Saracen" captured the "*Diana*" near to the Gallinas, on the 21st July, 1840. Some delay arose in presenting this case for trial in consequence of Lieutenant Hill being short of executive officers to bring up the prize. On the 28th August, however, the prosecution commenced, and after a most complete corroboration of the captor's allegation that the prize was "perfectly equipped for the Slave Trade," a decree of condemnation passed upon the "*Diana*" on the 7th September, 1840.

13. The Spanish schooner "*Sirena*," under the command of Manuel Muñiz, had scarcely dropped anchor in the Gallinas on the 17th August last, whither she had come with 90 tons of rice and many Slave-Trade fittings, when Lieutenant Hill, the captor of the "*Diana*," also made a seizure of this vessel. The ship's papers, issued at Havana, bear the usual impress of the illegal intentions of the vessel which they are to characterize. Not only is the destination fictitious, but an entry of 90 bags of rice appears in the Custom-house clearance, and water-casks are allowed to be shipped without the proper exaction of security for their lawful employment. In this instance, as well as that of the preceding case, the Custom-house authorities of Havana and Cadiz have again laid themselves open to the serious charge of great neglect of duty, if not of wilful connivance at deeds declared contraband by their own government.

The proceedings against the "*Sirena*" commenced in the British and Spanish Mixed Court on the 31st August, 1840, and ended on the same day as those against the "*Diana*,"—a similar offence, that of illegal equipment, having been satisfactorily proved against both vessels.

14. The Spanish brigantine "*Palmira*," Narciso Aldavó, master and owner, according to the ship's papers, was a vessel belonging to the port of St. Jago de Cuba, where she was fitted out in July, 1840, for a voyage to the river Bonny, for which destination she embarked a general cargo adapted for the Slave Trade of that river. The "*Palmira*," on her voyage from Cuba, touched at the Cape Verd islands, where she remained a few days and embarked some provisions, water, and tobacco, and then proceeded on her prescribed route towards the Bonny, when she was fallen in with by Her

Majesty's sloop "Wolverene," Commander William Tucker *(b)*, who detained her in 3° 59′ north latitude, and 5° 48′ east longitude, in consequence of her being equipped for the Slave Trade.

The detained vessel arrived at Sierra Leone for adjudication on the above-mentioned charge on the 9th October, 1840, and her prosecution commenced on the following day.

The evidence of the two witnesses sent up by the captor (the master and cook of this vessel) served in no way to explain or refute the charge of illegal equipment, which had been established by the sworn report of survey of the fittings of the brigantine, and which showed her to have two unlawful hatches; unnecessary divisions on deck in the form of moveable sleeping-berths; planks, not being cargo, and adapted to the formation of a slave-deck; more water-casks than necessary for the crew, and a slave-boiler.

The "*Palmira*" was in consequence condemned on the 19th October, 1840.

15. The schooner "*Felicidade*" was a vessel belonging to the port of Havana, and sailed thence under Portuguese colours, with Francisco Madeiros as the "captain of the flag;" and Pascual Garcia ostensibly as a passenger, but really as the Spanish master, and in command of that vessel.

The passport under which this vessel navigated was originally given by the Portuguese Consul-General Moreira, on the 7th February, 1833, at Rio de Janeiro, to a *brigantine*, bearing the name of "*Felicidade*," and appeared to have been only used once, as there was not any indorsement upon it until June, 1839, when the pro-consul for Portugal, Mr. Pasqual Pluma, certified that the *brigantine* had been altered in her rig, and converted into a *schooner*. Unfortunately for the character of this statement, the vessel, said to have been so altered in her rig, instead of proving to be, at the very least, nearly seven years old, turned out on examination by the officers of the Mixed Commission to be a new vessel; and thus was established the improper appropriation of an old Portuguese passport for the use of a new American vessel.

Under this passport, however, Mr. Consul Pluma cleared out this vessel for the notorious slaving port of Lagos *via* Bahia, which voyage having been completed, she was again cleared out by Mr. Pluma, with an ostensible destination of Monte Video, but really bound to the coast of Africa, where Her Majesty's brig "Termagant" fell in with and captured her, on the 5th June, 1840, for being equipped for the Slave Trade.

The detained vessel made her appearance in this harbour on the 16th of the same month, and was at once libelled in the British and Spanish Court, in which, the usual forms of proceedings having been gone through, the trial came on upon the 24th. From the acknowledgment of Spanish ownership by the witnesses themselves—a course of trade also Spanish—and from an equipment of undeniable illegality—the Court felt bound to declare the "*Felicidade*" and cargo good and lawful prize to the Crowns of Great Britain and Spain.

16. The Spanish schooner "*Paquete Veracruzano*," Antonio Aragon, master, bore all the characteristics of a regular Cuba slave-trading vessel, owned by Santiago Ruiz, an Havana merchant, documented at the same place, and there also fitted out in the usual illicit mode. The "*Paquete Veracruzano*" came direct to the coast of Africa; but happily, before much progress had been made in her unlawful career, this vessel became a prize to Her Majesty's brigantine "Termagant," off Grand Bassa, on the 14th October, 1840.

The captor's proctor brought forward his libel against the prize on the 27th October, founding his charges on the illegal nature of the "*Paquete Veracruzano's*" fittings. Nor did these allegations meet with any refutation from the witnesses in the case; but, on the contrary, both master and mate agreed in testifying to the illegality of their ship's equipment. Such being the result of the evidence produced in this case, a sentence of confiscation was passed on the 5th November upon the detained vessel and her cargo.

17. Although the schooner "*Porto Formoso*," Jozé Maria Carvalho, master, sailed under Portuguese papers and the flag of that nation, and received on the present and preceding voyages a clearance, as well as the usual certificates, from Mr. Pluma, the Portuguese Consul at Havana, yet her ownership really vested in a Spanish merchant residing at that port, where her cargo was shipped, and the present voyage commenced. Prior to June, 1838, this vessel seems clearly to have been engaged in lawful commerce between London, Havre, Hamburg, and the Azores. A blank then appears in her history until June of the year following, between which period and the 23rd July, 1840, when Mr. Pluma cleared her out for Monte Video, the ostensible destination of the present voyage, the Spanish slave-trade seems to have been the occupation of the "*Porto Formoso.*"

From Havana, on the 25th July, the "*Porto Formoso*" came direct to the neighbourhood of the Gallinas, and in sight of Cape Mount fell into the hands of Lieutenant Hall, commanding Her Majesty's brig "Rolla," on the 16th September.

After remaining a long time in the captor's possession, from his inability to spare an officer to take charge of the prize, on account of the pressing nature of the duty then devolving upon him, the "*Porto Formoso*" arrived here on the 28th October, and a monition went out against her on the following day, which expired on the 5th November, and after the proceedings in prosecution had been brought to a close. The Spanish nationality of the vessel having been set at rest by evidence of the facts of Spanish ownership and of a Spanish course of trade, and the master having admitted that the voyage was directed towards Gallinas, "in order, if possible, to procure a cargo of slaves," the British and Spanish Mixed Court awarded a decree of condemnation against the prize and her cargo on the 5th November, 1840.

18. The Spanish brigantine "*Vanguardia*," Manuel Irguierdo master, was originally a vessel belonging to the port of Havana, but sold on the 4th September, 1840, at Cadiz to Ildefonso Garcia, who resold her on the 29th September to her late master, who altered her name from "*Ensayador*" to that which she bore when detained.

The "*Vanguardia*" was then cleared out at Cadiz ostensibly for a voyage to Trinidad de Cuba, having previously embarked a few trade goods, a large quantity of rice, and a regular slaving equipment. Thus prepared she quitted Cadiz on the 8th October, 1840, and took a direct course to the Gallinas, which place she had nearly reached when her detention took place by Her Majesty's ships "Wanderer" and "Rolla."

The detained vessel arrived here on the 1st December, and was immediately prosecuted before the proper Court as a Spanish vessel found illegally equipped,—a charge so satisfactorily established by the evidence of both the witnesses, the master and one of the Spanish seamen, that a sentence of condemnation was pronounced on the 9th December, 1840.

19. The Spanish schooner "*Reglano*," commanded by Manuel Fernandez, was fitted out at Havana in October, 1840, for a slaving voyage to this coast by Estevan Diaz, a Spanish merchant of that city, who despatched her thence with an ostensible destination to the Cape Verd Islands.

The "*Reglano*," though she touched at the Cape Verds on the voyage from Havana, merely embarked a few provisions there, and then proceeded direct to her real destination, Seabar in the river Sherbro, where the outward cargo was actually disembarked, and 350 slaves shipped as the schooner's return cargo.

On the 10th of December, Her Majesty's sloop "Wanderer," under the command of the Honourable Joseph Denman, fell in with and detained this vessel; and on the following 15th she anchored in the port of Sierra Leone, whither she had been sent for adjudication.

The usual proceedings in prosecution of this vessel commenced on the 16th of December before the British and Spanish Mixed Court, and ended on the 23rd in a decree of the said Court confiscating the "*Reglano*" and her cargo, and emancipating 348 slaves, the survivors of the 350 seized in this vessel.

20. The schooner "*Clara*," bearing the flag of the United States, with Samuel B. Hooker as Captain of the Flag, and Eugenio Vinai as Spanish Master, was seized by Her Majesty's brigantine "Buzzard," Lieutenant Fitzgerald, Commander, whilst at anchor in the river Nun on the 19th March, 1839, on the ground of her being a vessel entitled to a Spanish national character, and as such illegally equipped.

At the time of the detention of this vessel it was the intention of Lieutenant Fitzgerald to have sent her here direct for adjudication by the British and Spanish Mixed Court. The orders of the Senior Naval Officer, however, prevented his so doing, and led to his convoying this prize to New York, there to be delivered up to the Government of the United States as a vessel contravening American laws. After a considerable time spent in correspondence on this subject between the British Ambassador at Washington and the government of the States, it was ultimately decided that the American laws would not apply to a case like the present, which was in every way a Spanish, and not an American adventure. A fruitless attempt was then made by the captain to induce the Vice-Admiralty Court at the island of Bermuda to entertain this case; and Lieutenant Fitzgerald then determined to come hither with his prize, according to his original intention at the time of seizure. The "Buzzard" and "*Clara*," accompanied by the "*Eagle*," another prize detained under very nearly similar circumstances to the "*Clara*," accordingly sailed from Bermuda, and shortly afterwards, having met with a very heavy gale, the "*Eagle*" went down, and the "*Clara*" was lost sight of. The "Buzzard," however, prosecuted her voyage hither, and in the month of January in the present year the captor instituted proceedings against the "*Clara*" in the British and Spanish Mixed Court. That portion of the papers filed in this case which were to support the vessel's nationality, consisted only of a mutilated United States' Register for the "*Clara*," and a bill of sale and muster-roll of the vessel, the latter two duly authenticated by the American Consul at Havana. The other papers in the case showed that a Spanish cargo had been embarked by the Spanish Supercargo in the port of Havana for the island of St. Thomas, on the actual account of Forçade and Company of Havana; and that that cargo had not been delivered at its proper destination, but bartered in the river Nun for slaves, with whom to load the "*Clara*" on her return to Cuba.

Whilst this vessel lay at New York one of the witnesses in the case, the American Master, Hooker, died, and the others escaped from the custody of the seizors. The only evidence obtainable in the case, in consequence of these occurrences, proved to be the two sworn declarations of the captor and his affidavit of seizure, which latter also authenticated the papers found in the prize. These three attested documents contained a very full account of the whole of the proceedings from the time of the detention of the "*Clara*;" and in addition to what has been already mentioned regarding this vessel, the papers in question contained a signed declaration of the American Master, setting forth that the bill of sale and other papers, under which this vessel had assumed an American character, were false and fraudulent.

The Court did not, however, proceed to adjudication in this case on its first presentation, but ordered it to stand over for twelve months, with the object of ascertaining in the mean time, if possible, the fate of the vessel.

Proof of the existence of the "*Clara*" having been lately tendered, by which it appeared she had reached the Bahamas after the gale previously alluded to, and thence had been conveyed to Jamaica, where from unseaworthiness she had been hauled up, the Court proceeded to her adjudication on the 31st December, 1840; and as it clearly appeared that the "*Clara*" could not derive a sufficient American character from the papers she carried to entitle her to navigate the high seas, and as every circumstance connected with her created the impression of her being *bonâ fide* a Spanish vessel, and engaged in Spanish Slave Trade, for which she was fully equipped, her condemnation was accordingly pronounced.

(Signed) JOHN JEREMIE.
WALTER W. LEWIS.

Sierra Leone, December 31*st*, 1840.

No. 69.

Her Majesty's Commissioners to Viscount Palmerston.

Sierra Leone, January 14, 1841.
(*Received May* 4*th.*)

My Lord,

The case of the schooner "*Recurso*," the Report of which we have now the honour to enclose, is that of a nominal Portuguese, but really Spanish

vessel, prosecuted and condemned on the 11th instant in the British and Spanish Court, for having an illegal equipment for a slave cargo, as the master himself admitted.

The capture of the "*Recurso*" was effected on the 22nd November, 1840, in the Bight of Biafra, by Her Majesty's brigantine "Forester," Acting Lieutenant Norcock commanding, as set forth in the Declaration made at the time of detention.

All the ship's papers are Portuguese; the passport was even granted at Lisbon by the Minister of Marine, and as far as documents could impress that character upon a vessel, the "*Recurso*" possessed every appearance of belonging to the commercial marine of Portugal. Opposed, however, to this we had the admissions of Ramon Trillo, the master, who freely stated that the owner, Da Cunha, although a Portuguese, had resided during the last two years at Havana. The present as well as the preceding voyages had commenced at Havana; the first ended at that port; and that a similar termination awaited the latter the master himself avowed on examination. The fact of a Spanish course of trade, combined with that of a Spanish domicile for the owner of this vessel, we considered more than outweighed the doubtful proof of nationality afforded by the Portuguese papers; the more especially, as the practice of assuming Portuguese documents to cover Spanish and Brazilian property has so long prevailed, and so frequently been brought under your Lordship's notice: the "*Recurso*" was accordingly condemned.

On board the "*Recurso*" sailed the well-known slave-dealer Juan or Joao Balba, alias Barba, apparently only a passenger, but, as in the cases of the "*Violante*" and "*Lark*" condemned in 1839 and 1840, the supercargo for the voyage. The presence of such a person went far to identify the vessel, from his former pursuits, with illegal Slave-trading: the master's voluntary admissions, however, rendered proof of this corroborative nature quite unnecessary.

We have, &c.
(Signed) JOHN JEREMIE.
WALTER W. LEWIS.

Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

Enclosure in No. 69.

Report of the Case of the Schooner "Recurso," *Ramon Trillo, Master.*

THIS vessel sailed under the flag of Portugal, in virtue of a passport from the Minister of Marine at Lisbon, dated 2nd September, 1836, which described the vessel as belonging to Oporto, owned by Jozé da Cunha, and at that time commanded by Manoel Antonio dos Santos. The "*Recurso*" cleared out at Oporto on the 22nd of October, 1836, for Pernambuco and the ports of Brazil, as appears by an indorsement on the passport; but whether she ever visited those ports is uncertain, as there is no notice of her proceedings from that time until the 13th of October, 1839, when we find her cleared out at Havana, by the Pro-Consul for Portugal, for a voyage thence to the river Bonney. On the 2nd of September, 1840, the Pro-Consul again cleared her out for an ostensible voyage from Havana to Santa Cruz in Teneriffe; a course which it is almost needless to observe was neglected for her real destination, the river Nun, in the Bight of Biafra.

The only other ship's papers found on board besides the passport were a muster-roll and log-book, the former of which stated the vessel to be navigated by a crew of twenty-eight persons, and to have on board as a passenger for Santa Cruz a Spaniard named Joaõ Barba, otherwise Juan Balba. The log described the voyage as commencing at Havana on the 4th of September, 1840, whence the vessel crossed the Atlantic direct for the Cape Verd Islands, which were sighted on the 10th of October, and she then proceeded at once for the Bight of Biafra, where she was captured on the 22nd of November last.

On the 26th December, ultimo, the Marshal to the Courts notified in the usual way the arrival of the "*Recurso*" in this harbour on the previous day; and, on the following 28th, measures were taken in prosecution of the schooner as a vessel having a real Spanish nationality, in which character she was illegally equipped.

The ship's papers, properly authenticated by the affidavit of the prize-officer, were then ordered to be filed with the declaration of the captor; the usual monition was issued, and the witnesses produced ordered for examination.

The seizor's declaration was as follows:—"I, George Lowcay Norcock, acting Lieutenant and Commander of Her Britannic Majesty's brigantine 'Forester,' do declare that, on the 23rd of November, 1840, being in about latitude 4° 4′ N., and about longitude 6° 6′ E., I detained the two-topsail schooner or vessel called the '*Recurso*,' under Portuguese colours, commanded by Ramon Trillo, and navigated by twenty-seven men, for being perfectly equipped for and engaged in the Slave Trade.

" I do further declare, that at the time of capture the said schooner was fitted with—

" 1st. Hatches with iron bars, forming open gratings.
" 2nd. A complete slave-deck.
" 3rd. A very large number of shackles and bolts, such as are used for securing slaves.
" 4th. A much larger quantity of water, and casks for holding water, than are requisite for a merchant-vessel.
" 5th. An extraordinary quantity of rice, salt-meat, and bread.
" 6th. Coppers fitted for receiving an iron boiler, capable of cooking food for from three hundred to four hundred persons; the boiler being in the hold of the said schooner.

" I do further declare that the said schooner is stated by the captain to have sailed from the Havana for the Rio Nun, for a cargo of slaves, and to proceed from thence back to the Havana.
" I do further declare that I have taken from the '*Recurso*,' from absolute necessity, for the use of Her Majesty's service—the 'Forester' being in need of an immediate supply of provisions—the following stores:—

Rice . . .	4,400	lbs.
Bread . . .	330	do.
Salt Meat . .	1,440	do.
Water . . .	13	tons.

And a large quantity of firewood.
And that the purser has taken them in charge."

On the 30th of December the witnesses were examined by the Registrar on the standing and special interrogatories, when the master, Ramon Trillo, deposed as follows:—That " he was born in Lisbon. Has lived at Havana for the last nine years. Is a subject of Portugal, and has never served any other state. Is not married. He was appointed to the command of the vessel, and possession was given to him, at Havana, in August last, by the owner of the vessel, Jozé da Cunha, a resident of Havana, but a Portuguese subject. First saw the vessel there in August last. Does not know where she was built. He was present at the time of seizure. Does not know for what reason the vessel was captured. Was sailing under Portuguese colours, and had no others on board. The vessel's name is '*Recurso*;' she has never been called by any other name, to his knowledge. She is about eighty-five tons burthen; and had a crew of twenty-two officers and mariners, exclusive of witness; all Portuguese; all shipped at Havana in September last, by witness. Neither he nor any of the officers or mariners had any interest in either vessel or cargo. Was master on board. There was one passenger, a Spaniard, named Juan Balba, a merchant, taken on board in Havana for a passage to the Canaries. Does not know what his business might be there. The said Juan Balba had no property concern, or authority, directly or indirectly, respecting either vessel or cargo. The present voyage began and was to have ended at Havana. That was the last port of clearing. The vessel did not touch at any port or place whatever during the voyage in which she was captured. The vessel was captured in sight of Calabar, about eight miles from the shore, on the 23rd of November last. The reason the vessel was so much out of her course (being bound for the Canaries) was that she had been carried to that part of the coast of Africa by the currents and bad weather. The vessel has no guns mounted. There were eighteen muskets and twelve cutlasses, and three hundred ball-cartridges, on board, for defence against pirates. No resistance was offered. Had no instructions for avoiding capture, or for concealing or destroying any of the vessel's papers. Jozé da Cunha is the sole owner of the vessel; knows it from having been put in charge by the said Da Cunha. The said owner is a Portuguese by birth, and a subject of Portugal. He is unmarried. Has resided for the last two years at Havana. Does not know where he lived previously. He knows nothing of any bill of sale, or the price of the vessel, or whether the same has been paid; verily believes that the vessel, if restored, will belong to the said Jozé da Cunha and to no other person. Knows nothing of any private agreement. He knows nothing respecting the last voyage of the vessel. There is no cargo on board, and no slaves have been taken on board during the voyage. All the passports and other papers found on board are entirely true and fair. Knows of nothing to affect their credit. No papers whatever which were on board the vessel when she left the Havana have been destroyed, concealed, or made away with in any manner. He knows of the existence of no other papers respecting vessel or cargo in any country or place whatever. He knows nothing of any charter-party. He does not know whether the vessel is insured. The vessel is under witness's sole direction and management in regard to her trade. Corresponds with no person respecting her. The coamings of the hatchways are bored, and there are round iron bars to fit them, 22 in number. The hatchways are so fitted for the purpose of securing a cargo of slaves, which witness states it was his intention to take on freight, if he could get employment for the vessel in that way on the coast. There are only the bulkheads of the cabin and forecastle below, and two sleeping-berths on deck. There are no spare planks on board. There is a slave-deck fitted fore and aft. There are about 40 leg-irons and a box of neck-irons on board for securing the slaves. There are about 100 water-casks, large and small. Does not know the quantity of water they are capable of containing. There are no staves or tanks. All those casks except three were filled with fresh water at the time of capture for the use of the intended cargo of slaves. There are about 30 tin mess-pans for the use of the slaves. There is one large iron boiler for the use of the slaves. There were 20 bags of rice, 2 bushels each, and 1 bag of beans, for the use of the crew and of the slaves."

The second witness in the case selected from the detained crew by the captor's proctor was the cook of the "*Recurso*," José Rego. His evidence, as was to have been expected, proved meagre indeed as regarded the only important feature in the case—the proof of the *bona fide* nationality of the schooner. He declared his entire ignorance of Jozé da Cunha, the ostensible Portuguese owner at Havana; of everything respecting the vessel before this voyage; and of the object of her having had illegal equipment on board when he sailed in her. On one point, however, he proved to be informed—that the voyage commenced, and was to have ended, at the port of Havana. Fortunately for the captor, the ill-selection of this witness by his proctor, when the mate and Spanish supercargo were also at his command, neither delayed nor injured his case; the ship's papers and master's evidence furnishing sufficient grounds whereon to proceed to adjudication. The Court, however,

when deciding the case, remarked upon the evident carelessness exhibited by the proctor in this instance, as well in the selection of his witnesses as in the other proceedings; and, calling his attention to the 4th Article of the Regulations for the Mixed Commissions, warned him against the like want of care for the future.

Publication passed in this cause on the 1st instant; and, on the 4th, the monition was returned into Court certified to have been served.

On the 11th instant the British and Spanish Mixed Court assembled for the trial of the "*Recurso*," and the following judgment was pronounced.

The only question for consideration in this case appeared to be, whether the Court could decline acknowledging this vessel in her Portuguese character, to which the official papers gave her an apparently fair claim; or declare her, on the contrary, entitled to a Spanish nationality, as urged by the captor's proctor: for no inquiry appeared necessary respecting the question of illegal equipment, the point which usually follows the settlement of the *bona fide* nationality of a prize, in consequence of the free admissions of the master that this vessel was fully fitted for the Slave Trade.

The evidence which had been received on the subject of this vessel's nationality calculated to put aside that derivable solely from her ship's papers was found in the examination of the master, who had stated distinctly that the owner of this vessel had resided at Havana for the last two years. This statement of the master received corroboration from the two endorsements on the back of the passport for the schooner, made at Havana on the 13th of October, 1839, and 2nd of September, 1840, on which dates she respectively cleared out thence for the Bonney; and on her last voyage, which was evidently, though not ostensibly, for the neighbourhood of the same place. The master had also deposed that the last voyage commenced and was to have ended at Havana; a proof in itself of a Spanish course of trade during the period alluded to. And as to the intended termination of the present voyage at Havana, the Court had also, in corroboration of the master's testimony, the evidence of the cook; being the only point of the slightest interest in respect to either the vessel or her voyage upon which the cook had professed to be informed.

It was also considered by the Court by no means an unimportant feature in the case that Juan or Joao Balba, *alias* Barba, was found on board this vessel as a passenger, when this fact was associated with his connexion with the Portuguese schooner "*Violante*" (formerly the "*Mary Anne Cassard*"), condemned with slaves on board in January, 1839, and with the schooner "*Lark*," condemned in this Court in March, 1840, in both of which vessels Balba was ostensibly a passenger, but virtually the director of the Spanish interests employed in those adventures. It could not be supposed that he had been on board the "*Recurso*" in any other situation than that of supercargo, the office which he was proved to have filled on board the "*Violante*" and the "*Lark*." The master had certainly stated that Balba embarked in this vessel as a commercial passenger for conveyance to the Canaries; but he was found, notwithstanding, most patiently submitting to be conveyed in a nearly direct course from Havana to the Nun or Bonney, near to which rivers the vessel was detained, without uttering one word of complaint for having been forced so many hundred miles away from his professed destination. The presence of this man on board of the "*Recurso*" was in itself a circumstance calculated to impress on the vessel and her voyage a doubtful character; and that he was there only for carrying out some plan connected with the evasion of the Treaty with Spain for the suppression of the Slave Trade the Court could not entertain a doubt.

With reference to the Spanish course of trade in which the "*Recurso*" had been engaged, it was within the knowledge of the Court that, previous to her last two voyages from Havana, she had arrived at that port ostensibly from St. Thomas's on this coast on the 4th October, 1839; a voyage of the illegality of which there could be as little doubt as there was respecting the unlawfulness of the present one, which the master had openly avowed to the seizor was to convey slaves from the river Nun to Havana.

Under all the circumstances the Court considered that the prosecution of the "*Recurso*" as a vessel entitled to a Spanish nationality had been properly undertaken, and that that charge had also been proved. And as the illegal equipment of this vessel had been freely acknowledged by her master to have been on board for the use of a cargo of slaves, the Court had only therefore to pronounce the vessel and cargo good prize.

(Signed) WALTER W. LEWIS.
JOHN JEREMIE.

Sierra Leone, Jan. 14, 1841.

No. 70.

Her Majesty's Commissioners to Viscount Palmerston.

Sierra Leone, February 5, 1841.
(Received May 4.)

My Lord,

In this Despatch we have the honour to transmit to your Lordship our report of the case of the schooner "*San Paulo de Loando*," which was condemned in the British and Spanish Mixed Court established here on the 1st instant.

This vessel was seized on the 11th of December, 1840, by Her Majesty's brig "Saracen," Lieutenant-Commander Hill, off Seabar, in the river Sherbro, whilst sailing under the flag and pass of Portugal, on the ground of her being really a Spanish vessel, and as such illegally equipped; which charges the seizor succeeded in establishing to the satisfaction of the British and Spanish Court, as above mentioned.

Commander Hill kept this prize in the Sherbro for six weeks after her seizure, in consequence of having no executive officers on board the brig whom he could spare to send up with her.

This schooner, as your Lordship will perceive from our report, sailed under a Lisbon passport, dated 2nd of December, 1836; and was therefore, according to that document, upwards of four years old when condemned. Of this, however, we were led to entertain some doubt, from finding among the papers of this vessel a list of the stores and sails of the American schooner "*Salazar*" at the time of her sale. On inquiry we learned, from the officers of the Court, that the "*San Paulo de Loando*" was a perfectly new vessel, and in her first voyage. In the Havana Commissioners' lists we found that a *Portuguese* schooner, called "*Salazar,*" cleared out thence for St. Paul de Loando on the 20th of October, 1840; and as the consular and custom-house papers of the vessel now reported as condemned all bear the same date, there seems good reason for suspecting that the "*Salazar*" and the "*San Paulo de Loando*" are but different names for the same vessel; particularly as the descriptions of the rig and tonnage of both vessels agree.

We have learned from good authority that the Spaniards and Portuguese landed in the colony from condemned slave vessels freely admit, indeed boast, that most of their Portuguese papers are entirely false, as in the present instance.

The ostensible owner of the "*San Paulo de Loando,*" Jozé dos Reis, appeared also in the same character in respect to a vessel bearing a similar name, condemned here on the 18th June, 1840.

Manoel de Abaroa, who was on board this vessel as a passenger, was formerly first mate and ostensible owner of the Spanish schooner "*Semiramis,*" condemned here on the 13th of October, 1835.

We have, &c.
(Signed) L. HOOK.
W. W. LEWIS.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

Enclosure in No. 70.

Report of the Case of the Schooner "San Paulo de Loando," *Jozé Maria Amezaga, Master.*

THIS vessel, at the time of her seizure, was found provided with the following official papers:—

1. A Lisbon passport.
2. Muster-roll from Havana.
3. Havana custom-house clearance.

These papers showed that Jozé dos Reis was owner of this vessel in December, 1836, when he obtained a passport from the Minister of Marine at Lisbon, and dispatched her on a voyage to the Cape Verds and the ports of Africa, under the command of João de Silva Coelho. From the first of the two indorsements on the pass it appeared that she was at Oporto on the 22nd of October, 1838, whence she again cleared out for the Cape Verds; and from the second indorsement we learned that the Portuguese Pro-Consul at Havana dispatched her thence on the 20th of October, 1840, with a similar destination.

The schooner carried a crew of 28 persons; had a Spanish master mariner, named Manoel de Abaroã, on board as a passenger for the islands of St. Thomas's and Prince's; and embarked 31 boxes of rice as cargo, which, from being in the clearance of the vessel, was deprived of its true character of an article of illegal equipment.

In addition to the foregoing papers, there was a personal passport for José Gorordo, who is named as first mate in the muster-roll, which described him as proceeding to the islands of Prince's and St. Thomas, and not to the Cape Verds, whither the vessel was ostensibly bound.

A list of the number and capacity of the water-casks on board the vessel, which showed that there were 78, equal to carrying 8408 gallons.

A paper marked an "Inventory of the American Schooner '*Salazar.*'" This paper, in addition to containing a list of the sails and stores of the schooner, had also her tonnage, and a note stating that "the stores were to be sold separately." The description of the sails in this list agreed exactly with the rig of the "*San Paulo de Loando*" at the time of her seizure, whilst the length, breadth, and depth of the "*Salazar,*" as given in the Spanish measurement above alluded to, did not vary more than two inches from the English measurement of the "*San Paulo de Loando.*" They may, therefore, fairly be presumed to be one and the same vessel.

A letter from Miguel Antonio de Uriarte to Joaquim Pereira de Abreu, dated Algorta, 4th June, 1840, introduced his brother-in-law, Manoel de Abaroã (the passenger in the schooner), and recom-

mended him for employment by Abreu in one of his vessels, as Abarcã "*had made several voyages to the coast*," and in his last trip "commanded the schooner '*Gallega*,' belonging to Pedro Martinez."

The log-book of this vessel began at Havana, on the 22nd of October last, and showed that on the 20th of November she passed in sight of the Cape Verd Islands, and on the 10th of December last the log ends near the Sherbro, where she was detained by Her Majesty's brig "Saracen."

On the 23rd of January, ultimo, the captured schooner anchored in this port, and was immediately reported by the Marshal to the Mixed Court.

Proceedings in prosecution of this vessel were commenced on the 25th ultimo, when the ship's papers and declaration of the captor were ordered to be filed, the monition to be issued, and the witnesses in preparatory to be examined.

In the affidavit of seizure the captor explained that the great delay which had taken place between the time of detention and that of the arrival here of the prize for adjudication, was owing to the want of an executive officer on board the capturing ship who could be dispatched to convey the prize hither.

The seizor's declaration was as follows:—"I, Lieutenant Henry Worsley Hill, commander of Her Britannic Majesty's brig 'Saracen,' hereby declare that on this 11th day of December, 1840, being off the Seabar, river Sherbro, I detained the schooner named the '*San Paulo de Loando*,' sailing Portuguese colours, armed with 1 gun, 12-pounder, commanded by Jozé Maria Amezaga, who declared her to be bound from Havana to the coast of Africa, with a crew consisting of 28 men and boys, no supercargo, and one passenger, whose names, as declared by them respectively, are inserted in a list at foot hereof, and having on board no slaves, but fully equipped for the Slave Trade.

"I do further declare that the master, Jozé Maria Amezaga, informed me he did not know who was the owner of the vessel, but that the voyage commenced at Havana, where it was to end; and from what I have subsequently heard from the passenger, Manoel Abaroã, I have every reason to believe he is himself, with Don Juan Sanchez, of Havana, the joint owner of the schooner."

The examination of the witnesses took place before the Registrar on the 26th ultimo, when the master, Jozé Maria Amezaga, deposed that "he was born in Algona, in the province of Bilboa, in Spain. Has lived at Corunna, where his wife and family have resided for the last four years. Is a subject of Spain, and has never served any other state. He was appointed to the command of the vessel, and had possession given him in Havana, in October last, by Don Juan Sanchez, a resident of that place, and witness believes a Spanish subject. Witness first saw the vessel there a few days before he got charge of her. She is American built. He was on board when the vessel was captured under the pretence that she was employed in the Slave Trade. Sailed under Portuguese colours, and had no others. The vessel has never been called by any other name than that of '*San Paulo de Loando*,' to witness's knowledge. She is 110 tons burden; and had 28 officers and mariners, exclusive of witness; part Portuguese, part Spaniards; all shipped in Havana by the boatswain in October. Neither he nor any of the officers or mariners had any interest in the vessel or her lading. Was master on board. There were two Spanish passengers, Manoel Abaroã and José Gorordo, formerly masters of vessels, but now engaged in trade; they were embarked in Havana for a passage to this coast. Does not know for what purpose they were going there; neither of them had any interest or authority on board, either in the vessel or her lading. Havana was the last clearing port, and the voyage commenced and was to have ended there; from thence the vessel proceeded towards the Cape Verds, but on account of foul winds could not reach them. Did not touch or anchor at any place previous to capture. Capture took place off the Seabar on the night of the 10th or 11th of December by means of the boat of the man-of-war. First saw the capturing-vessel a few hours afterwards. There was no chase; it was a calm. The course of the vessel was always adhered to when the weather would permit, according to the papers; but the winds and currents would not allow him to reach the Cape Verds. There is 1 gun mounted, 24 muskets, and as many cutlasses, and some powder, for the defence of the vessel against pirates on the coast of Havana. No resistance was made. There were no instructions to resist or avoid capture, or for concealing or destroying any papers. The said Juan Sanchez is the owner of the vessel. Knows it from having received the charge from him. The said Sanchez resides with his family in Havana, and has lived there many years. Does not know of what country he is a subject. Believes him to be a Spaniard by birth. Does not know where he lived before he resided in Havana. He knows nothing of any bill of sale, or the price of the vessel, or if it be paid. Believes the vessel will belong to Sanchez, if restored. Knows of no private agreement. The owner of the vessel is also lader and owner of the rice, which is the only cargo on board. There was no consignee. The lading, if restored, will belong to the said Sanchez. He knows nothing of the former voyage; the only present lading is rice. No slaves were shipped during the present voyage. The vessel, after capture, was kept anchored in the Sherbro, until brought up to Sierra Leone. The papers delivered up were all true and fair. No papers were destroyed, concealed, or made away with. There are no other papers in any country to witness's knowledge. There was no charter-party. The vessel and lading were not insured. She was under his sole management in regard to her trade. The hatches are not fitted with open gratings. The coamings of the hatchways are bored, and there are iron bars to fit the same. They are so fitted for a cargo of slaves. There are the bulkheads of the cabin, steerage, and forecastle, below, and there are two single sleeping-berths on deck. There are a few spare planks for the repairs of the vessel, not marked or numbered. There is a slave-deck laid fore and aft. There are about 30 pairs of shackles for slaves in case he should ship any. There are about 60 pipes, partly filled with fresh water, and intended for the use of the slaves. There were about 40 mess-tins for the use of the slaves. There is a large iron boiler for the use of the slaves. There are about 50 or 55 bags of rice for the use of the slaves."

Francisco Perez, boatswain of the detained vessel, confirmed by his depositions the statements of the master in respect to Juan Sanchez, of Havana, being the owner of the schooner, and that the voyage commenced and was to have ended at Havana. He also confirmed the master's description of the illegal fittings of the schooner, but professed ignorance of the object with which they had been embarked.

Publication passed in the cause on the 26th ultimo; and on the 1st instant, the monition having been returned, the Court assembled for the trial of this schooner.

In giving judgment the Court observed that it appeared by the passport this vessel was owned by Jozé dos Reis, apparently a resident of Oporto; but the master and boatswain had deposed that at the present moment the *bonâ fide* owner was Juan Zanchez, or Sanchez, a person who has lived for some length of time at Havana, and who had despatched the vessel thence to this coast, and to return to

Havana, There was therefore well-grounded suspicion respecting the real nationality of this vessel; and if Zanchez or Sanchez was not, as had been asserted, the owner, he had certainly been put forward to cover the name of the owner. In respect, however, to Jozé dos Reis, the person named in the passport as proprietor of the schooner, the Court had lately received evidence in the case of a former ostensible Portuguese slave-vessel, also from Havana, called the "*Sao Paolo de Loando*," which appeared to bear on this prosecution. In the case referred to Reis was described in the temporary Portuguese passport as owner; and according to the certificate of the Portuguese Consul at Havana, dated April, 1840, Reis had then been domiciled in that city twelve months, and had therefore fairly become entitled to a Spanish national character.

Under these circumstances it seemed unimportant which of these two persons was the *bonâ fide* owner of this vessel, as in either case her Spanish nationality would be complete; and as the illegal equipment for slaves had not been disputed, the Court declared her a good and lawful prize to the Crowns of Great Britain and Spain.

(Signed) L. HOOK.
WALTER W. LEWIS.

Sierra Leone, February 5th, 1841.

No. 71.

Her Majesty's Commissioners to Viscount Palmerston.

Sierra Leone, February 5, 1841.
(*Received May* 4.)

My Lord,

The schooner "*Boã União*," commanded by Francisco Jozé Olindés, and sailing under the Portuguese flag, was seized on the 19th of December last, off Seabar, in the river Sherbro, by Lieutenant Commander Hill, of Her Majesty's brig "Saracen," and sent to this port for adjudication as a vessel entitled to a Spanish character, under which she was illegally equipped.

On the 25th January ultimo the detained vessel came into port. Her prosecution was commenced on the same day in the British and Spanish Mixed Court, and terminated on the 1st instant in a sentence of condemnation founded on evidence of the clearest description.

Our report of this case we have the honour herewith to transmit to your Lordship.

This vessel has been a very successful slaver previous to her late voyage, having during the last year carried off two full cargoes of slaves from the Gallinas, shipped by the factor there of the house of Martinez and Co. of Havana, as appeared by one of the account-books, which the commander of Her Majesty's sloop "Wanderer" obtained when the slave-factories of the Gallinas were destroyed.

We have, &c.

(Signed) L. HOOK.
WALTER W. LEWIS.

The Right Hon. Viscount Palmerston, G.C.B.,
&c. &c. &c.

Enclosure in No. 71.

Report of the case of the schooner "Boã União," *Francisco Jozé Olindes, Master.*

Sierra Leone, February 5, 1841.

This schooner was found sailing under a Portuguese pass, granted by the Minister of Marine at Lisbon on the 7th of April, 1834, in favour of Vencislão Fermino da Malta, a Portuguese subject, and for a voyage to the Azores and back to Lisbon, under the command of Jozé Maria Franco. The vessel does not appear to have returned to Lisbon, for the first endorsement on the pass is by the Portuguese Pro-Consul at Havana, Mr. Pasqual Pluma, on the 12th December, 1839, when he cleared this vessel for St. Thomas, with Gerardo Tiron as Master. On the 21st April, 1840, Mr. Pluma certifies that Tiron was superseded in the command by Francisco Jozé Olindes, but for what voyage is not mentioned; and a third endorsement by the Pro-Consul on the 7th of September, 1840, for the present voyage, describes the schooner as bound to the Cape Verds.

The muster-roll was authenticated by the Portuguese Consul two days subsequent to his endorsing the pass, and the crew was therein stated to consist of 21 persons.

A clearance from the Havana Custom-House, dated 9th of September, 1840, showed that only 24 boxes of rice had been embarked in addition to the necessary ship's provisions and stores. This document agreed with the passport and muster-roll in describing the Cape Verds as the vessel's destination.

The personal passport of Francisco Lavendeyra, who appears in the muster-roll as first-mate, state that he was proceeding to the islands of St. Thomas and Prince's.

There was also a passport for a passenger in this vessel named *Gerardo Tiron*, who is described as a pilot by profession, and, like the first-mate of the schooner, proceeding to St. Thomas and Prince's. This Tiron would appear to be the same person that the present master superseded in the command as previously mentioned, and being a Spaniard, was in all probability on board as the real master of the vessel, Olindes being only "captain of the flag."

The log-book of the schooner states the voyage to be for the Cape Verds, St. Thomas, and Prince's; and that she left Havana on the 10th September, 1840. Stress of weather compelled her to put back, and on the following 17th the vessel again put to sea, making the best of her way across the Atlantic to the river Sherbro, near to which she was captured on the 9th of December last, the day previous to which the log ended.

On the 25th of January ultimo the detained vessel anchored in this harbour, and her arrival was at once reported by the Marshal to the Court.

Proceedings in prosecution of this vessel as one entitled to a Spanish nationality, and being in such character illegally equipped, were on the same day commenced; and orders given for the filing of the ship's papers and seizor's declaration, the issue of the usual monition, and for the examination of the witnesses produced by the captor.

The declaration of Lieutenant Commander Hill, of Her Majesty's brig "Saracen," explained "That on the 9th day of December, 1840, being off the Seabar, river Sherbro, he detained the schooner '*Boã União*,' sailing under Portuguese colours, armed with two guns, commanded by Francisco Jozé Olindes, who declared her to be bound from Havana to the coast of Africa with a crew consisting of 21 men and boys, and having on board no slaves, but fully equipped for the Slave Trade.

"He further declared that the master, Francisco Jozé Olindes, informed him he was the owner of the vessel, that he had resided at Havana for the last three years, where the present voyage commenced, and was to have ended."

Commander Hill, in explanation of the great lapse of time between the date of detention and of the vessel's arrival for trial, the 9th of December, 1840, and the 25th January, 1841, stated in his affidavit of seizure, that "having only one executive officer on board Her Majesty's brig 'Saracen,' he was unable to send the schooner to this port for adjudication at an earlier period."

The examination of the witnesses took place before the Registrar on the 26th ultimo, when the master, Francisco Jozé Olindes, deposed as follows:—That "he was born in Lisbon; has lived at Havana for the last four years. Is a subject of Portugal, and has never served any other state. Is not married. He appointed himself to the command, being the owner. Received possession of the vessel from the former owner and master (whose name he does not remember, but it is in the vessel's passport) at Havana in July last year. First saw the vessel there about a year since; does not know where she was built. He was present when the vessel was captured; the vessel was seized under pretence that she had come to the coast for the purpose of being engaged in the Slave Trade. Sailed under Portuguese colours, and had no others on board. The vessel has never been called by any other name than '*Boã União*' to witness's knowledge. She is 99 tons burthen, and had 23 officers and mariners, exclusive of witness, all Portuguese, hired and shipped by witness in Havana in September last. None of the officers or mariners, with the exception of himself, had any interest in either the vessel or her lading. Was master and owner. There was one passenger, one Gerardo Tisan (Gerardo Tiron), a Spaniard; does not know his profession; he was taken on board at Havana for a passage to Cape Verds, whither he was going on a visit to his brother. The said passenger had no authority on board, nor any interest in the vessel or her lading. The present voyage began and was to have ended at Havana; that was the last clearing port. The vessel sailed thence for Cape Verdes, but had not touched or anchored at any place previous to capture. The capturing vessel's boat was first seen off the Seabar, river Sherbro, on the 9th December last, about 9 o'clock in the morning, and capture took place about half an hour afterwards. There was no chase, it was a calm. The vessel was steering for Bonny when she was captured. The reason she did not go to the Cape Verds was, that the currents had carried him to the southward; and when he got on the coast the calms were so prevalent he considered it in vain to attempt to reach them. There is no gun; there are about 12 muskets and as many cutlasses, and a small quantity of cartridges, for the defence of the vessel against pirates. There was no resistance made, and there were no instructions for avoiding capture, or for concealing or destroying any of the vessel's papers. He is sole owner of the vessel. There was a bill of sale; it is now in Havana, at the Custom-house; it was dated 15th July, 1840, and was made by the former owner (whose name he does not remember) in the presence of Antonio Pacheco and Manoel Tomas, two Portuguese, residing in Havana; has not seen the paper since the day it was executed. The price was 14.000 dollars, all paid at the time in cash. The sale was a true one, and the vessel will belong to witness only if restored. There was no private agreement. There is no cargo on board, except 30 puncheons of rice, laded by witness, who is also sole owner and consignee; and the said lading, if restored, will belong to no other person. He knows nothing about the previous voyage of the vessel. The only cargo on board is rice. No slave was taken on board during the present voyage. The vessel after capture was carried about cruising with the capturing vessel, until she was brought in here. The papers delivered up are all true and fair; no papers were destroyed, concealed, or made away with. There are no papers, excepting the bill of sale, in any country relating to vessel or cargo. Neither the vessel nor her lading is insured. She was under witness's sole management, and he corresponds with no one respecting her. Bulk was not broken during the voyage. The hatches are not fitted with open gratings. The coamings of the hatchways are bored, and there are iron bars to fit them. They are so fitted for securing slaves. There are the bulkheads of the forecastle and cabin below, and on deck there are two single sleeping berths, but not fastened to the deck. There is no spare plank on board. There is a slave-deck laid fore and aft. There are 14 or 15 shackles on board, for the purpose of keeping the crew in order. There are about 57 or 58 pipes and water-casks. Does not know the quantity of water they may be capable of containing; they were all filled with fresh water at the time of capture. It was there for ballast for the vessel. There were 30 mess-tins; they were on board in case of witness's getting a cargo of slaves. There is a large iron boiler for the use of slaves, in case witness should get a cargo of that description. There were 30 puncheons of rice and 2 bags of beans; the latter for the crew, the former to feed slaves with, in case he should get that kind of cargo."

Andreas Francisco, the boatswain of this vessel, was the second witness produced by the captor. The testimony of this person was corroborative of that of the master, in respect to his being also the owner of the vessel; as to the fact of a Spanish passenger having been on board, of whose destination however, this witness professed ignorance; and as to the vessel's thorough equipment as a slaver. The boatswain chose to deny all knowledge of the object with which the illegal fittings were on board the detained vessel, not having understood, it may be presumed, that his captain intended to use no reservation on this subject, but boldly to avow their being in the vessel for the use of slaves.

Publication passed in the cause on the 26th ultimo, and on the following 29th a petition for a day of trial came in.

The monition, which had issued on the 25th ultimo, was returned, duly certified, on the 1st instant, on which day the Court assembled for the adjudication of this vessel.

The master having declared that he was the owner of this vessel, though on this point he had contradicted the passport, the Court was nevertheless inclined to acknowledge him in that character, as he appeared to have been considered so by all on board of his vessel. A Spanish domicile having been proved in evidence for the master and owner of this vessel, and the passport plainly establishing a Spanish course of trade, the Court held that she was entitled to a Spanish national character. And as the illegal fittings of the schooner were admitted by the owner to be for a cargo of slaves, a sentence of condemnation of vessel and cargo was accordingly decreed.

(Signed) L. HOOK.
WALTER W. LEWIS.

No. 72.

Her Majesty's Commissioners to Viscount Palmerston.

Sierra Leone, February 13, 1841.

MY LORD, (*Received May* 4.)

WE beg leave to acknowledge the receipt of your Lordship's Despatch of the 18th of December last, transmitting copies of the Despatches of the Havana Commissioners containing their reports on the Slave Trade carried on at Havana during the months of August, September, and October of last year.

The only vessel mentioned in these lists of which we have obtained any information, is one described as having been cleared under the title of the Portuguese schooner "*Salazar*," which we have every reason to believe was really the American schooner "*Salazar*," of whose conversion into the Portuguese schooner "*Sao Paolo de Loando*" we have given a full account when reporting her condemnation in our Despatch of the 5th instant.

We have, &c.
(Signed) WALTER W. LEWIS.
L. HOOK.

The Right Hon. Viscount Palmerston, G.C.B.,
&c. &c. &c.

No. 73.

Her Majesty's Commissioners to Viscount Palmerston.

Sierra Leone, February 13, 1841.

MY LORD, (*Received May* 4.)

WE have been honoured with the receipt of your Lordship's Despatch of the 19th of December last, transmitting copies of a correspondence which had passed between your Lordship and Her Majesty's Envoy at Madrid, respecting the condemned slave vessels "*Olimpa*" and "*Josephina*" having cleared out at the Custom-house of Havana fully equipped for the Slave Trade.

It has afforded us pleasure to learn from this correspondence that the Spanish Government will cause inquiry to be made into the circumstances stated in our Despatch respecting these vessels, and that a promise has been made to punish those persons who may have been guilty of permitting the vessels in question to sail with slave equipments on board.

The promised inquiry will, we hope, be as strictly conducted by the Captain-General of Cuba as it appears to have been freely promised by the Spanish Minister; and also that the Minister's order to the Captain-General to increase the vigilance at present exercised with regard to the exact observance of the prohibitions respecting the Slave Trade may be faithfully obeyed; for hitherto

we have constantly noticed, that the observance of the law on this subject by the Havana Custom-house has been, if any thing, little more than nominal.

We have, &c.

(Signed) WALTER W. LEWIS.
L. HOOK.

The Right Hon. Viscount Palmerston, G.C.B.,
&c. &c. &c.

No. 74.

Her Majesty's Commissioners to Viscount Palmerston.

Sierra Leone, March 2, 1841.
(*Received May* 29.)

My Lord,

We have the honour herewith to transmit to your Lordship our Report of the case of the Spanish schooner "*Urraca*," Laureano Lopez Master, condemned in the British and Spanish Mixed Court of this colony on the 23rd ultimo, for having been when detained illegally equipped.

The "*Urraca*" was a vessel lately built at Cadiz by the said Lopez, at a cost of 2,500 dollars, as appeared by the builder's certificate. She received a sailing license or provisional passport from the Governor of the province of Cadiz, which authorized the "*Urraca*" to proceed thence to the port of Trinidad de Cuba and any other place for the term of one year. On the same day that the license or passport bears date, this vessel cleared out at Cadiz with a crew of 26 men, though she was only of the burden of 45 Spanish, or 64 English tons; and having on board 74 planks, 38 pieces of scantling, and 8 beams, together forming a complete slave-deck; 71 bags of rice, and 41 casks for water, described as equal to holding 56 pipes, which were "*to be filled for ballast.*"

Plainly as these circumstances indicated the intention of the owner of the "*Urraca*" to engage her in the Slave Trade, that vessel was without difficulty cleared out at Cadiz, the form of taking security for her illegal equipment not even having been observed.

When the "*Urraca*" left Cadiz she came direct to Seabar in the river Sherbro, for a cargo of slaves, as the master and owner very readily admitted at his examination; and at which place she was captured by the boats of Her Majesty's brig "Saracen" on the 19th of January last. This prize, like all those lately taken by the same cruizer, was a month reaching this port after her detention.

Laureano Lopez appears in the Havana lists as having commanded the Spanish schooner "*Manuelita*" on her arrival at Havana in January, 1835, from the coast of Africa.

We have, &c.

(Signed) JOHN JEREMIE.
WALTER W. LEWIS.

The Right Hon. Viscount Palmerston, G.C.B.,
&c. &c. &c.

Enclosure in No. 74.

Report of the case of the Spanish schooner "Urraca," *Laureano Lopez, Master.*

Sierra Leone, March 2, 1841.

The papers of the "*Urraca*" were found to be as follows:—

1. A provisional passport issued by the Governor of Cadiz, in the absence of any royal passport for this vessel, dated 18th December, 1840, with the destination of Trinidad de Cuba, and any other place during the space of one year. The usual prohibition against engaging in the Slave Trade is wanting in this document.
2. Muster-roll, showing that she had 3 officers, 22 men, and a cabin boy on board, on leaving Cadiz for Trinidad de Cuba.
3. Bill of health.
4. Clearance from Cadiz, dated 18th December, 1840, and addressed to the Custom-house of Trinidad de Cuba. The following articles are entered in this document, in addition to the usual supplies for the officers and ship's company:—74 planks, 38 pieces of scantling, and 8 beams (forming a complete slave-deck), 71 bags of rice, and 41 water-casks, capable of containing 56 pipes, to serve the vessel as ballast during the voyage.
5. Fort-pass.

6. Notarial copy of the several papers connected with the title of Laureano Lopez to this vessel, including the builder's receipt for 2500 dollars, and his certificate of her admeasurement, being 45 Spanish tons.

7. Log-book for the voyage in which the vessel was detained, showing that she sailed from Cadiz on the 23rd of December last, sighted the Canaries on the 31st, and made the neighbourhood of the Sherbro on the 17th January, 1841, when the log ends.

On the 15th February the "*Urraca*" anchored in this harbour. This circumstance, together with those attending the seizure of this vessel, were immediately reported in the usual manner by the Marshal to the Court; and on the following morning proceedings in prosecution of the "*Urraca*" were commenced. The vessel's papers and captor's declaration were lodged in Court, the monition issued, and the witnesses produced by the seizor were ordered for examination by the Registrar.

The declaration of the captor was as follows:—"I, Henry Worsley Hill, Lieutenant and Commander of Her Britannic Majesty's brig 'Saracen,' hereby declare, that on this 19th day of January, 1841, being off Seabar, river Sherbro, by means of my boats I detained the schooner named the '*Urraca*,' sailing under Spanish colours, commanded by D. Laureano Lopez, who declared her to be bound from Cadiz to the coast of Africa, with a crew consisting of 26 men and boys, no supercargo, and no passengers; whose names, as declared by them respectively, are inserted in a list at the foot hereof, and having on board no slaves, but fully equipped for the Slave Trade."

In the affidavit of seizure the captor explained, that the delay which had occurred in sending this vessel hither for adjudication arose from his only having one executive officer on board of the "Saracen," and that he could not be detached for this service. The prize, therefore, only came up when it was necessary for Her Majesty's ship to visit this port.

On the 17th ultimo the Registrar examined the master of this vessel on the standing and special interrogatories, when he deposed as hereunder:—"He was born in Ferrol, in Spain, and lives there with his wife and family. Has never served any other state but Spain. He appointed himself to the command, being the owner of the vessel, and having built her in Cadiz in November last. He was present at the time of capture. Does not know for what reason the vessel was seized. Sailed under Spanish colours, and had no others. The vessel has never had any other name than '*Urraca*.' She is 45 tons burthen, and had 25 officers and mariners exclusive of witness, all Spaniards, hired and shipped at Cadiz in December by witness. He is sole owner of both vessel and cargo. None of the officers and mariners had any interest in either. Was master as well. There were no passengers. The last clearing port was Cadiz; the voyage commenced there and was to have ended at Cuba; from Cadiz the vessel proceeded to Sherbro, where she anchored, and was captured the same day. The capturing vessel was seen twelve days after her boat had seized witness's vessel. Capture took place in the river Sherbro, at 8 o'clock P.M., on the 19th January. The vessel was at anchor, and no attempt made to escape. The vessel cleared out at Cadiz for Cuba. The reason she was so much out of her course witness states to have been, that he came to the coast to endeavour to get a cargo of slaves. There was no gun. There were 18 muskets, a dozen cutlasses, 2 pairs of pistols, and about 400 cartridges, for defence of the vessel against pirates. No resistance was made. There were no instructions for concealing or destroying any of the vessel's papers. He is sole owner of the cargo. There was no bill of sale; he built her himself; does not remember the cost. The vessel, if restored, will belong to him only. There was no private agreement. He is himself the sole owner, lader, and consignee of all on board the vessel. There is no cargo excepting rice, which was intended for feeding slaves; it is his property, and, if restored, will belong to no other person. This is the first voyage of the vessel. She has at present about 72 bags of rice on board. No slaves were taken on board during the present voyage. After capture the vessel was carried to Sierra Leone. The papers delivered up are all true and fair. No papers were destroyed, concealed, or made away with. There are no papers in any country relating to vessel and cargo. Neither the vessel nor freight is insured. The vessel was under witness's sole direction. Bulk was not broken. The hatches are not fitted with open gratings. The coamings of the hatchways are bored, and there are iron bars to fit them, for the purpose of securing a cargo of slaves. There are the cabin, steerage, and forecastle bulkheads below, and no others. There is no spare plank. There is a slave-deck laid fore and aft. There are no shackles, bolts, or handcuffs. There are 50 pipes, capable of holding about 6000 gallons, and these were all filled at the time of capture with fresh water, except two or three: had this quantity of water for the use of a cargo of slaves, and also for ballast. There are 30 mess-tins for the use of a cargo of slaves; there are 2 large iron boilers for the use of the slaves. There was no flour, maize, or Indian corn; there were a few bags of beans for the use of the crew, and about 72 bags of rice for the use of the slaves."

Manuel de Blas y Cordero, boatswain of the "*Urraca*," was the second witness examined, and by his evidence in every way confirmed the statements of the master, except only as regarded the use to which the schooner's illegal equipment was to have been applied, and of that he declared his complete ignorance.

Publication passed in the cause on the 17th, and on the 20th ultimo a petition for a day of trial having come in, it was backed for the 23rd ultimo, the day on which the monition in the case was returnable.

On the appointed day the Court accordingly assembled, and briefly pronounced the confiscation of this vessel.

(Signed) JOHN JEREMIE.
WALTER W. LEWIS.

No. 75.

Her Majesty's Commissioners to Viscount Palmerston.

Sierra Leone, April 10, 1841.
(*Received June* 16.)

My Lord,

We have been honoured with the receipt of your Lordship's Despatch of the 6th of February last, conveying, for our information, copies of a corre-

spondence which has passed between your Lordship and Her Majesty's Minister at Madrid respecting the Spanish brigantine "*Diana*," reported in our Despatch of the 23rd of September, 1840, as having been cleared out at Cadiz fully equipped for the Slave Trade.

We have, &c.
(Signed) WALTER W. LEWIS.
L. HOOK.

The Right Hon. Viscount Palmerston, G.C.B.,
&c. &c. &c.

No. 76.

Her Majesty's Commissioners to Viscount Palmerston.

Sierra Leone, April 10, 1841.
(*Received June* 16.)

My Lord,

We have the honour to acknowledge the receipt of your Lordship's Despatch of the 27th of February last, respecting the clearance of the Spanish schooner "*Sirena*," by the Havana functionaries, when equipped for the Slave Trade.

We beg leave to tender our thanks to your Lordship for copies of the instruction addressed by your Lordship on this subject to Her Majesty's Envoy at Madrid, and of his Excellency's representation made to the Spanish Government in pursuance of that instruction.

We have, &c.
(Signed) WALTER W. LEWIS.
L. HOOK.

The Right Hon. Viscount Palmerston, G.C.B.,
&c. &c. &c.

No. 77.

Her Majesty's Commissioners to Viscount Palmerston.

Sierra Leone, April 12, 1841.
(*Received June* 16.)

My Lord,

Enclosed we have the honour to submit to your Lordship our Report of the case of the brig "*Republicano*," Felix Marengo, master, a vessel now a second time confiscated at this place for acts of slave-trading. It is, however, a satisfaction to know that from the second prosecution having been conducted under the Spanish Treaty of 1835, this slave-vessel will be finally cut up and destroyed, and no longer available as a vehicle of contraband trade.

For the early history and first condemnation of the "*Republicano*," we beg to refer your Lordship to our Despatch, marked "Brazil," of the 29th of June, 1840. At the Mixed Commission sale an American citizen, and an acknowledged slave-dealer, Nathaniel Hoyt, bought the "*Republicano*," and soon after sold her to the present master at a large profit. From this port the vessel cleared out for Cadiz, as reported in our Despatch of the 31st of August, 1840; but, on the pretence of requiring repairs, went direct to the Cape Verds, and after some delay at those islands, steered again to the southward for the Gallinas, abandoning the original track of the voyage.

Near the Gallinas, on the 22nd of February, the boats of Her Majesty's brig "Saracen" visited, and, after some trifling resistance (which is detailed hereunder as mentioned in the declaration), seized the vessel, and on the following day rejoined the man-of-war. In explanation of this circumstance, Lieutenant Hill declares that "the officer reported to him that the said brig '*Republicano*' fired a gun shotted at his boat on her approach to the brig, but made no further resistance on being taken possession of; at which time a pair of pistols were found loaded in one of the bunks (sleeping places), and were immediately discharged." But this did not serve to arrest the treacherous intentions of the master, for at night the pistols were again discovered to be charged; where-

upon the captor, as a precaution, ordered the crew of the detained vessel to be handcuffed.

Your Lordship will observe in our report that a Spanish Vice-Consul, João da Silva Pereira, is now established at the Cape Verds, and, as in this instance, seems to have supplied the place of the Portuguese functionaries, who have hitherto derived so rich a harvest from the sale of fictitious papers. This is the first occasion of Senhor Pereira's proceedings coming to our knowledge, from the fact of that officer having granted the "*Republicano*" her muster-roll, the only Spanish document found on board; and having attested the bill of health. We cannot but anticipate that this appointment of a Spanish Consul to the very neighbourhood where slave adventures are extensively conducted will greatly facilitate operations of that kind.

The Portuguese authorities at the island of Sal appear to have offered no objection whatever to the "*Republicano*" altering her destination from the port of Cadiz to that of the slave-mart of the Gallinas, notwithstanding the absence of any sufficient or lawful reason for the same, and when they must, or ought to have known, from the equipment of the vessel and the absence of all cargo, that she was destined for the Slave Trade.

The Court, when passing sentence upon the "*Republicano*," on the 6th instant, felt bound to declare its disbelief of the charges of robbery adduced by the master against the prize-crew. The affidavits of the prize-officer, two seamen, the marshal's assistant, and of the cook of the vessel, agreed exactly in rebutting the statements of the master and his boatswain, which, as shown in the report, appeared to have arisen from purely vindictive motives.

We have, &c.

(Signed) WALTER W. LEWIS.
L. HOOK.

The Right Hon. Viscount Palmerston, G.C.B.,
&c. &c. &c.

Enclosure in No. 77.

Report of the case of the brig "Republicano," *Felix Marengo, Master.*

Sierra Leone, April 12, 1841.

THIS slave-vessel, when under Brazilian colours, but bearing the same name, was tried and condemned in the British and Brazilian Court on the 5th of June, 1840. At the Mixed Commission Sale, held on the 19th of June for the disposal of the "*Republicano*," Nathaniel Hoyt, the American master and owner of the schooner "*Octavia*," (a vessel also confiscated here for slave-trading on the 5th of the same month,) purchased the "*Republicano*," and afterwards made her over on the 25th of July following to Felix Marengo, the present master and late first-mate of the Portuguese schooner "*Olimpa*," reported in May, 1840.

The ship's papers found when seized were five in number, exclusive of a Portuguese muster-roll, bill of health, and four receipts for port-dues received during the vessel's various visits to one or other of the Cape Verd Islands, between which the master carried passengers, &c., for a period of three months

The above-mentioned five papers were all written in English, and consisted of the certificate of condemnation and bill of sale granted with the sanction of the British and Brazilian Court, a second bill of sale from Hoyt to Marengo, and the clearance and muster-roll obtained from the collector of this port on her departure hence for Cadiz. Hoyt's purchase cost him only 160*l.*, and from Marengo he received 433*l.* 6*s.* 8*d.*, a profit sufficiently large, coming as it did from the hands of a slave-dealer, to invest the vessel with the strongest suspicions of again being about to be engaged in the Slave Trade.

The "*Republicano*," however, proceeded to the Cape Verds to undergo, as it is alleged, certain repairs. At Porto Praya, in October, 1840, Marengo obtained the additional muster-roll and bill of health before alluded to; the first granted, and both attested, by the Spanish Vice-Consul, João da Silva Pereira. The port of Cadiz still appeared as the vessel's destination.

The log book, which commences on the 10th of February, showed that in that month the "*Republicano*" left the Cape Verds for the coast of Africa, having cleared out from the Island of Sal for the Gallinas. The voyage to Cadiz was thus abandoned. A Spanish passenger, Don Antonio Ricio, was provided with a personal passport, dated at Santa Cruz on the 24th of December, and stating its holder to be then proceeding to Havana, whither the "*Republicano*" would no doubt have gone on obtaining her slaves at Gallinas.

Off Seabar, River Sherbro, on the 22nd of February, 1840, the boats of Her Majesty's brigantine "Saracen," Lieutenant-Commander Hill, boarded the "*Republicano*," and on the discovery of an almost complete slave equipment, she was detained and joined the man-of-war on the following day. A month elapsed before the arrival of the prize in this harbour, owing, as Lieutenant Hill explained, to his still wanting executive officers in his ship. The Marshal made the usual report, noticing in it the fact of 36 Africans having been brought hither as passengers from the Gallinas, who had claimed the protection of the captor, and described themselves as being the slaves of the notorious "François."

On the 24th of March following the prosecution commenced by the filing of the ship's papers and captor's declaration, the issue of the monition, and of the order for the examination of the witnesses.

The declaration set forth the date and place of capture as above-mentioned; and Gallinas, from the Island of Sal, is stated to be the destination of the vessel, upon the authority of the master. The captor's grounds for seizure rested upon the fact of the "*Republicano*" being "equipped for the Slave Trade."

The Registrar took the depositions of the master and boatswain on the day following. The former witness then deposed that "he was born at Malaga, and has lived for the last seven or eight years at Havana. Never served any state but Spain; appointed himself to the command, being owner; received possession at Sierra Leone, July 16, 1840, from the former owner, Nathaniel Hoyt, an American citizen; first saw the vessel at Sierra Leone about nine months since; does not know where she was built; was present at the time of capture; does not know for what reason the vessel was seized. Sailed under Spanish colours, and had no others. The vessel has never had any other name than '*Republicano*' to witness's knowledge. She is 102 tons burthen, and had 13 officers and mariners exclusive of witness, except one, a Portuguese, all shipped and hired by witness in Sierra Leone in July last. He is sole owner; none of the officers or mariners had any interest in the vessel or any thing on board of her. There was one passenger at the time of capture, a lad, whose name he does not remember, who embarked at the Island of Sal for a passage to the Gallinas; the lad was a native of the Canaries. Does not know what business the said lad might have had at the Gallinas; he had no interest in the vessel or her lading, nor had any authority on board. The voyage began at Sierra Leone, and was to have ended at Havana: the last clearing port was at the Island of Sal. From Sierra Leone the vessel proceeded to St. Jago de Praya, Cape Verds, for the purpose of repairing the vessel; remained there about one month, when, having left Porto Praya with the intention of proceeding to Cadiz, he was forced into Bona Vista with the loss of his bowsprit; having repaired damage, and remained 25 or 30 days there, he proceeded thence to the Island of Sal with a freight of passengers, about 33 natives, whom he landed there, and having obtained a small freight of passengers, fruit, &c., for St. Antonio, he proceeded to that island, returning thence to the Island of Sal, where he staid about ten weeks, and then set sail for the coast of Africa, with a view to obtain a cargo of slaves. The capturing vessel was first seen the day after her boats had seized the '*Republicano*.' Capture took place off the bar of the Sherbro, at 9 A.M., about 33 or 34 days ago; it was calm, and there was no chase. The reason he did not go to Cadiz, was the mate persuaded him that he should be able to obtain a cargo of slaves for him on the coast. He resided at Malaga before he lived at Havana. There was a bill of sale, which is amongst the papers delivered up to the commander of the capturing vessel; the price, 2,000 dollars, was paid in hard cash; the sale was a true one. There is no cargo on board the vessel. Knows nothing of the lading of the vessel on her last voyage. No slave was taken on board during the present voyage. The vessel's papers were all true and fair; no papers were destroyed, concealed, or made away with. There was no charter-party. The vessel is not insured; she was under witness's sole management. Nothing was taken out of the vessel at the time of capture. Since the vessel's arrival she has been stripped of sails, ropes, blocks, and some rice, by the prize-officer and crew; the rice was sent on shore, and the other articles taken on board a small English schooner. (This vessel witness describes to be one recently arrived from the Cape Verds with horses, turkeys, &c.) He and the other people have not been well treated, that they did not get enough to eat, and what they got was what the prize-crew left from their meals. The hatches are fitted with open gratings of wood; witness bought the vessel in that state. The hatchways are bored, and there are iron bars to fit the same for securing slaves. There are the divisions of the cabin and forecastle below, and on deck three single sleeping berths. There are no spare planks. There is a slave-deck laid fore and aft. There are no shackles, bolts, or handcuffs. There are 100 pipes for holding water, all filled at the time of capture, for the use of a cargo of slaves. There are 24 mess-kits for the use of the slaves. There were only two or three small boilers for the use of the crew. There were 60 quintals of rice for the use of the slaves, and two barrels of flour for the use of the crew."

Antonio Beixo, the Boatswain, confirmed to the extent of his admissions the foregoing evidence, more particularly as to the articles of unlawful equipment. With regard to the charge of robbery, brought against the prize-crew by the master after the arrival of the vessel in this harbour, this witness confirms it in nearly similar words, by saying that "since the arrival of the vessel in this harbour some rice was taken on shore, and a sail on board a small English schooner lying in the harbour. This was done by the prize-officer and crew of the vessel on the night of the day of the arrival of the '*Republicano*' in this harbour."

Publication passed on the 25th ultimo.

In refutation of the charge of disposing of the cargo and stores of the vessel, the captor's proctor adduced very sufficient contrary evidence in the affidavits of the prize-master, two seamen, of the marshal's assistant, and of the cook of the vessel. All of these strictly accorded in substance, and satisfied the court that the accusation was not only groundless, but had its origin in the spiteful motives of the master, who had himself been detected in endeavouring to secrete a quadrant and a chart. The first affidavit (a joint one of the prize-master and two of the crew) declares that "When the marshal's assistant came on board the said brig for the purpose of taking charge from these deponents, in going over the inventory of the vessel's stores a quadrant was found to be missing, which these deponents had seen only a day or two before; and that upon the master's trunk being searched the said quadrant was found in it, together with some charts, and in his bedding was also found a roll of canvass; the whole of which articles were delivered up to the marshal's assistant. That immediately the said articles were taken from the master, he exclaimed he would report the prize-crew had robbed the vessel." The rice is stated to have been "taken on shore by the slaves who came up as passengers in the vessel, being their allowance for that day;" but as to the abstraction of any other articles from the prize, each affidavit records a distinct denial of such a fact.

The monition having become due, the Court, on a petition of the captor's proctor, presented on the 30th ultimo, proceeded to the adjudication of the case on the 6th instant. The illegal equipment of the "*Republicano*" for the Slave Trade having been proved beyond doubt, the Court contented itself with remarking that the charge of robbery was unfounded, and arose from the ill feelings of the master; and then at once pronounced a decree of condemnation upon the vessel and cargo.

(Signed) WALTER W. LEWIS.
L. HOOK.

No. 78.

Her Majesty's Commissioners to Viscount Palmerston.

Sierra Leone, May 14, 1841.
(*Received July* 19.)

My Lord,

We have the honour of reporting to your Lordship that Her Majesty's sloop "Wolverene," and Her Majesty's brigantine "Lynx," detained on the 31st of March last, off Popoe, and after a chase of 10 hours, the schooner "*Liberal*," belonging to Havana, sailing under Portuguese colours and papers, on the ground of her being a *bonâ fide* Spanish vessel, and as such illegally equipped.

The detained schooner reached this harbour on the 27th ultimo, and on the following day her prosecution on the above-mentioned charge commenced, and terminated on the 5th instant in a sentence of confiscation.

This case, our report of which is herewith enclosed, is very similar to that of the schooner "*Felicidade*" (reported in our Despatch of the 26th of October, 1840), as far as regards her Portuguese papers, and their authentication by Mr. Pro-Consul Pluma at Havana, as the schooner "*Liberal*," instead of being six years old, as her passport would indicate, is a perfectly new vessel.

Mr. Pluma seems disposed to give every assistance to those concerned in slave trafficking at Havana, and to risk his official reputation in so doing on the most unimportant points. In this instance, as your Lordship will perceive, Mr. Pluma has certified that the 26 persons who formed her crew in May, 1839, were each and every of them on board in that capacity for the last voyage, which commenced in January of the present year, the vessel having, between the two voyages mentioned, lain idly at anchor in Havana for more than twelve months.

We have, &c.
(Signed) WALTER W. LEWIS.
JOHN CARR.

The Right Hon. Viscount Palmerston, G.C.B.,
&c. &c. &c.

Enclosure in No. 78.

Report of the case of the schooner "Liberal," *Pedro Chicota, Master.*

Sierra Leone, May 14, 1841.

This vessel at the time of her detention was found sailing under the following official papers:—

1. A Lisbon passport, dated September 2nd, 1836, in which the owner is stated to be Francisco Garcia; the master, Francisco dos Santos; and that she was then bound to Pernambuco and other ports of Brazil, to return thence to Portugal. An endorsement stated that the "*Liberal*" left Oporto on the 22nd of October, 1836, with the above destination. The proceedings of this vessel from the last-mentioned date up to May, 1839, could not be ascertained, but at that time it seems Mr. Pasqual Pluma, as Pro-Consul for Portugal, cleared her out from Havana for Monte Video, to which port she proceeded, and was dispatched thence to Havana in October, 1839. And on the 27th of January, 1841, the schooner again cleared from Havana for Monte Video, but on this latter occasion the official destination was neglected in preference for the African slave port of Popoe.

2. Muster-roll. This proved to be an open and undated list of the crew of the schooner, 26 in number, originally granted for Monte Video, and to which any additions convenient might have been made on the second page of the sheet upon which the list was written. Upon the fourth page of the said document the Portuguese Pro-Consul made endorsements similar to those above described as made by him upon the passport. According to this document every one of the 26 persons mentioned had formed the crew of the schooner for the last two years; more than half of which time the schooner appears to have lain idly at Havana. Of the falsity of this paper we think even Mr. Pluma must have been satisfied at the time of his authenticating it.

3. Bill of health, dated Havana, January 27th, 1841, certified by the Portuguese Consul.

4. Clearance from the Custom-house at Havana on the 26th of January, 1841, for Monte Video, of the following articles shipped by the master, Pedro Chicota:—

450 arrobas of rice,
200 do. maize,
150 do. beans,
26 casks of salt meat,
60 do. biscuits,

with other provisions.

5. An official passport for Tomas Albo, a Catalonian, passenger in the schooner "*Liberal*," for Monte Video, issued on the 27th of January last at Havana.

The log-book of the schooner shows that she sailed from Havana on the 29th of January last, taking a direct route for the Bight of Benin, in which she was captured on the 31st of March last, five days previous to which the log-book ends in 5° 18′ N. latitude.

In addition to the above-described papers there were several rough books of navigation calculations, lists of ship's stores, and other unimportant papers, besides the following:—

A memorandum-book containing numerous addresses of British and Foreign merchants and others in England, France, &c. The object with which the master had provided himself with these addresses does not appear. It will therefore be sufficient to mention that Messrs. Zulueta and Company, Mr. George Redman, Messrs. Aguirre Solarte and Murrieta, and Mr. F. Giro, are the London merchants named in the said list.

An inventory of the stores, sails, &c. of the American schooner "*Wallace*," with the particulars of her admeasurement, showing her to be of the burthen of 174 tons. On comparing this paper with the British admeasurement of the vessel, it was found to agree with it so very closely as to lead to the conviction that the American schooner "*Wallace*" was the same vessel as the Spanish schooner "*Liberal*." This opinion receives confirmation from the fact of the schooner being quite new instead of at least 6 years old, as she is represented to be by her passport, and from some entries in a memorandum-book found on board the "*Liberal*," respecting the embarkation of a crew for the "*Wallace*" in January last, at which time the "*Liberal*" appears to have been fitting out at Havana.

There was also a paper, which proved on its translation to be as follows:—

"*Schooner* 'Liberal,' *Ajuda*, 1*st April*, 1841.

"I, the undersigned, do certify that Pedro Chicota is the captain of the papers, but that I am the true captain of the schooner belonging to Havanna.

(Signed) "TOMAS ALBO."

This paper, which had been written and given to the seizor the day following the detention of the schooner, and whilst the writer was a prisoner, the Court declined receiving as evidence on the grounds assigned in the judgment given in the case, and which will appear at the close of this report.

The detained vessel arrived in this harbour on the 27th April ultimo, and was immediately duly reported by the Marshal.

On the following day the prosecution of this vessel was commenced in the British and Spanish Mixed Court, on the grounds of her being entitled *bonâ fide* to a Spanish nationality, in which character she was, when seized, unlawfully equipped. The ship's papers, properly authenticated, were then filed, together with the declaration of the seizor; the usual monition issued, and the witnesses in preparatory ordered for examination.

The declaration of the seizor was as follows:—

"I, William Tucker (*b*), Esq., Captain of Her Britannic Majesty's sloop 'Wolverene,' hereby declare, that on the 31st day of March, 1841, after a chase of ten hours, I detained in latitude 6° 3′ N., longitude 1° 37′ E., in company with Her Britannic Majesty's brigantine 'Lynx,' the Spanish vessel named the '*Liberal*,' sailing under Portuguese colours, and with Portuguese papers, armed with 1 gun (12-pounder) and 2 swivels, commanded by Thomaza Alvo (Tomas Albo), of Barcelona, who passed as passenger (Pedro Chicota, the captain of the flag and papers, appearing as the captain), who declared her to be bound from Havana to Popoe, with a crew consisting of 26 men and 1 passenger, whose names, as declared by them respectively, are inserted in a list at the foot hereof.

"That I detained the said vessel for being fully equipped for, and engaged in, the Slave Trade, in contravention of the Treaty with Spain of the 28th June, 1835."

Then follows a full and detailed account of the several articles composing the said illegal equipment.

"I further declare that the greater part of the crew are Spaniards, although the muster-roll states them to be principally Portuguese.

"That Don Thomaza Alvo (Tomas Albo), on first being taken, stated himself to be a passenger, but shortly afterwards declared (as per paper No. 6) he was a Spaniard, and the proper captain of the vessel, of which he was also part owner. That the man, Pedro Chicota, who appears in the muster-roll as captain, was his clerk, and appeared as captain of the papers and flag, that he (Don Thomaza Alvo) might avoid trouble in the event of being taken."

On the 29th ultimo, Pedro Chicota, the ostensible master of the schooner, was examined on the standing and special interrogatories, and deposed to the following effect:—"He was born at Barcelona, and lives there. Is a Spanish subject, and has never served any other state. Is not married. He was appointed to the command, and possession was given to him, at Havana, in January last, by the consignee of the vessel, whose name he does not remember. The said consignee is a resident of Havana, and a Spanish subject. First saw the vessel there and then. She is American built. He was present at the time of capture. The vessel was seized on suspicion of being engaged in the Slave Trade. Sailed under Portuguese colours, and had also a French flag for a signal. The vessel has never been called by any other name than '*Liberal*,' to witness's knowledge. She is one hundred and seven tons burthen; and had twenty-five officers and mariners, exclusive of witness, part Spaniards, part Portuguese, and part French—all hired and shipped at Havana by witness in January last. Neither he nor any of the officers or mariners had any interest in vessel or cargo. Was master on board. There was one passenger, a Spaniard, named Tomas Albo, a master mariner by profession, taken on board in the Havana for a passage to Little Popoe: does not know what his business might be at that place. The said passenger was supercargo of the vessel, and was to have provided a cargo for her at Popoe, beyond which he had no property or concern in vessel or cargo, but he exercised authority on board by direction of the consignee at Havana. The present voyage commenced at Havana, and was to have ended at Buenos Ayres. Havana was the last clearing port; from thence the vessel was proceeding to Popoe when she was captured: did not touch or anchor at any port or place during the present voyage. The capturing vessel was first seen on the 31st of March, off Little Popoe, in sight of land. Capture took place the same day, after a chase of two hours and a half: witness was steering for Little Popoe; did not alter the vessel's course, but hoisted additional sail for the purpose of escaping if possible, as he did not know but the capturing vessel might be a pirate; the vessel's course was always in accordance with her papers. There is one nine-pounder mounted on a pivot, twenty

cutlasses, as many muskets, and three pair of pistols, also some cartridges and powder, for the defence of the vessel against pirates. No resistance was made. There were no instructions for resisting capture, or for concealing or destroying any of the vessel's papers. The owner of the vessel is Francisco Garcia. Knows it from the vessel's papers. Believes him to be a Portuguese by birth, and a subject of Portugal. Does not know where he lives, or if he be married. He knows nothing of any bill of sale, or of the price of the vessel. Believes, if the vessel be restored, she will belong to the said Francisco Garcia. Knows of no private agreement. The cargo was put on board by the consignee at Havana, and belongs to him: it was not to have been landed, being for consumption on board, and if restored it will belong to the said consignee, whose name, as witness had already stated, he does not remember. He knows nothing of the former voyage; the cargo at present consists merely of provisions. No slaves were taken on board during the voyage. After capture the vessel was taken into Popoe, thence to Prince's Island, and afterwards to Sierra Leone. The papers delivered up were and are all entirely true and fair. No papers were concealed, destroyed, or made away with. He knows of the existence of no other papers relating to vessel or cargo. There was no charter party. He does not know whether the vessel or her lading be insured. The vessel was under the direction of the supercargo in regard to her trade. The hatches are fitted with open gratings of wood; does not know for what purpose. The coamings of the hatchways are bored, and there are bars to fit them. The vessel is so fitted for the purpose of letting air into the hold. There are the divisions of the cabin and forecastle below, and two single moveable sleeping-berths on deck. There are no spare planks. There is a slave-deck laid fore and aft. There are four or five shackles for the crew. There are about thirty-eight casks, large and small, capable of containing about eighty pipes of water. There were about sixty-eight pipes of fresh-water on board at the time of capture: this large quantity was intended for the use of a cargo of slaves. There were thirty-six mess-tins, for the use of the crew and of the slaves. There was one large iron boiler for the use of the slaves."

The second witness was Pedro Juan Rondana, the cook of the said vessel, who from his situation on board was, as might have been anticipated by the seizor, unable to give any evidence on the important points of the ownership and course of trade of the vessel, or any other point which could support the charge of Spanish nationality. The illegal equipment of the schooner the cook admitted, and that it was for carrying a cargo of slaves.

Publication was granted on the 30th ultimo, and on the 5th instant, the monition being returnable on that day, the Court assembled for the adjudication of this vessel.

The Court, in giving judgment herein, observed that the schooner "*Liberal*" appeared by her ship's papers to be a vessel entitled to carry the flag of Portugal, under which she was found sailing at the time of her seizure, and that she was before the Court under prosecution as a vessel having a *bonâ fide* Spanish nationality, in which character she had been stated to have been illegally equipped.

The evidence in support of this alleged Spanish character was to be found, first, in the course of Spanish trade, which the endorsements upon her passport and muster-roll establish for the last past two years; secondly, in the Spanish residence and nationality of the consignee of the vessel, who had been declared by the master to be the actual owner of the slave provisions embarked in this vessel, for consumption on board; thirdly, in the vessel being commanded by a native Spaniard, and having a Spanish master-mariner on board as supercargo, which latter person was to furnish at the Slave-Trade port of Popoe the return cargo for the vessel; and, lastly, from the fact of the said Spanish consignee at Havana having displayed all the powers of an owner in the appointment of the Spanish supercargo, who was empowered by him, as the master has explained, to exercise authority on board, under which it would seem he was carrying the schooner direct from Havana to Popoe, instead of to her official destination of Monte Video.

It was a singular feature, the Court observed, in the evidence of the master, and one which created well-founded suspicions, as well as to the real national character of the schooner as of the adventure in which she was engaged, that the master knows so little of the alleged Havana consignee of the vessel, from whom he states he received command and possession of the schooner, that he had been unable to furnish his name.

Respecting the complete equipment of this vessel for carrying a cargo of slaves, both the master and cook had made the fullest acknowledgments; and as the evidence recapitulated by the Court had established for the "*Liberal*" a clear *bonâ fide* Spanish national character, she was accordingly declared to be a good and lawful prize.

The Court added that the paper among the documents said to have been found on board this vessel, at the time of seizure, appeared by the translation to be a certificate from Thomas Albo, the before-mentioned supercargo of the vessel, to the effect that he was the actual master of the "*Liberal*," and that Pedro Chicota was only captain of the papers. This certificate bears date on the 1st April last, the day following the detention of the vessel, at which time, therefore, Albo was a prisoner. Admissions made under such circumstances, the Court remarked, had always been looked upon with doubt, the parties making them not being at the time free agents, and the Court had in consequence declined receiving them as evidence, as it did in this case, and as it would continue to do. Albo, it appeared, explained to Captain Tucker at the time of detention, that he had caused Chicota to be put forward as master of the "*Liberal*," to avoid trouble to himself, in the event of being taken. How completely Captain Tucker had served, doubtless unintentionally, the objects of this Albo, the Court said, would be evident when it was remembered that the deception in question was practised by Albo to secure his immediate arrival at Popoe, where it is too much to be feared he is now at liberty to practise his nefarious occupation.

(Signed) WALTER W. LEWIS.
JOHN CARR.

No. 79.

Her Majesty's Commissioners to Viscount Palmerston.

Sierra Leone, May 24, 1841.
(*Received July* 19.)

My Lord,

We have the honour to inform your Lordship that Her Majesty's sloop "Fantôme," Commander Butterfield, seized on the 1st instant, in latitude 2° 1′ South, and longitude 8° 40′ West, the brigantine "*Josephina*," Manoel Antonio dos Santos, master, bound from Whydah to Havana, with a cargo of 291 male slaves on board.

The detained vessel arrived in this port on the 12th instant, and on the following day her prosecution commenced, as a vessel entitled to a Spanish nationality, before the British and Spanish Court.

The slaves of this vessel, who arrived here in excellent health, and among whom but one casualty had occurred a few hours after capture, were all landed at Freetown on the same day.

On the 20th instant, the monition having expired, the Court assembled and pronounced the condemnation of the "*Josephina*," and the emancipation of the 290 surviving negroes of those seized.

Our Report of this case we herewith enclose.

José Maria Estevan, the first-mate of this vessel, who is said to have shipped the slaves in her, was formerly master of the "*Luisita*," condemned in October, 1835.

From the carpenter's testimony in this case it would appear that the slaves of this vessel were embarked in the very short space of two hours; whilst the log-book shows that she lay only four hours off the port of Whydah, and did not anchor there.

José da Cunha, the owner, and Manoel Antonio dos Santos, the master of this vessel, according to her passport, dated at Lisbon the 2nd September, 1836, appear in similar characters in the passports of no less than three other cases, all of which bear the same date as that of the "*Josephina*." The vessels referred to are the "*Emprendedor*," condemned in July, 1839; the "*Magdalena*," in December, 1839; and the "*Recurso*," in January, 1841.

We think these instances, when connected with the statements in our despatches of this year's series, are sufficient to justify the opinion of the generality, if not the whole, of the Portuguese papers for Slave vessels being false and fraudulent.

In conclusion, we beg leave to bring your Lordship's attention to the fact of only male slaves having been embarked in this vessel.

We have, &c.

(Signed) WALTER W. LEWIS.
JOHN CARR.

The Right Hon. Viscount Palmerston, G.C.B.,
&c. &c. &c.

Enclosure in No. 79.

Report of the Case of the Brigantine "Josephina," *Manoel Antonio dos Santos Pereira, Master.*

Sierra Leone, May 24, 1841.

This vessel sailed under a Lisbon passport, dated the 2nd September, 1836, in which José da Cunha is represented to be the owner, and the above-mentioned Dos Santos the master; that she was bound to Pernambuco and other places in Brazil, and left Lisbon with that destination on the 22nd October, 1836. For upwards of three years the movements of the "*Josephina*" are not recorded; but on the 30th December, 1839, we find she was at Pará, whence she cleared out for the Cape Verds and African ports, and ultimately proceeded to Havana after having visited this coast. On the 3rd November, 1840, Mr. Pro-Consul Pluma backed this passport for a voyage from Havana to Monte Video, which was apparently performed; and on the 16th February, 1841, the brigantine was again cleared out by that officer for a similar voyage. On the latter occasion, however, the real destination was Whydah, to which place she went direct from Havana. From all the endorsements on this passport, it would appear Dos Santos had been in command of the vessel from the time that document was issued.

The muster-roll of the "*Josephina*" showed she carried a crew of 39 persons, and had one passenger on board on leaving Havana, named José Virgili. This man, we suspect, was the supercargo, as he was on board again as a passenger when the vessel was seized.

The bill of health was found to be in the usual form.

The clearance showed that the master of this vessel had on the 12th February last shipped five kegs of dollars, containing 1000 each, and 27 casks of rice.

The log-book of the vessel commenced on the 18th February last, the day the brigantine left Havana, and ended on the 30th April last, in 4° 48′ South, the place where the chase ending in her seizure commenced. The course of the "*Josephina*" on leaving Havana was direct for Whydah, at which place she arrived on the 11th April last. The brigantine did not anchor at Whydah, and remained there only four hours, if the log-book be true.

On the 12th May instant the "*Josephina*" anchored in this port, and was immediately visited by the marshal and surgeon to the Court, who made their respective reports as to the facts of the seizure, and the health and condition of the slaves.

It was gratifying to learn from the surgeon's report that the negroes of this vessel had arrived in excellent health, and to follow up his recommendation of their landing immediately, the vessel had been regularly brought before the Court.

The following morning, the 13th instant, the papers of the "*Josephina*," duly authenticated, were filed in the Court, together with the declaration of the captor; the usual monition was issued; the witnesses were ordered for examination; and the transference of the slaves from the vessel to the Liberated African Yard in Freetown was effected.

The seizor's declaration was as follows:—"I, Edward H. Butterfield, commander of Her Britannic Majesty's brig 'Fantôme,' hereby declare that on the 1st day of May, 1841, being in latitude 2° 1′ South, and longitude 8° 40′ West, I detained the Spanish brigantine '*Josephina*,' sailing under Portuguese colours, commanded by Don Manoel Antonio Santos Pereira, who declared her to be bound from Whydah to the Havana, with a crew consisting of 38 persons, and 17 passengers, whose names, as declared by them respectively, are inserted in a list at the foot hereof, and having on board 290 slaves, said to have been taken on board at Whydah on the 12th of April, 1841."

On the 14th instant the Registrar examined the witnesses, when the master, Manoel Antonio dos Santos Pereira, deposed, That "he was born in Lisbon. Has lived for the last fourteen years at Havana. Was a Portuguese subject about nine years ago, but not since. He sailed under the Portuguese flag. Is not married. He was appointed to the command, and possession was given to him at Havana in March last, by Don Nicola Bialé, the owner of the vessel, a resident of that place, and a Portuguese subject; first saw the vessel there and then. Does not know where she was built. He was present when the vessel was captured. She was seized for having slaves on board. Sailed under Portuguese colours; had also a Spanish ensign for a signal. The vessel has never been called by any other name than '*Josephina*,' to witness's knowledge. She is 160 tons burthen, and had 40 officers and mariners exclusive of witness, all Portuguese; all hired and shipped by witness in Havana in March last. Neither he nor any of the officers or mariners had interest in vessel or cargo. Was master on board. There were 17 passengers at the time of capture, Portuguese seamen, part of the crew of a vessel captured on the coast, the name of which he does not recollect. They were taken on board at Adjudah (Whydah) for a passage to Havana. None of them had any interest in the vessel or cargo, or authority on board. The last clearing-port was Havana, and the present voyage commenced and was to have ended there. From thence the vessel proceeded to Adjudah, where her slaves were shipped immediately on her arrival, and without coming to an anchor; the first place she anchored in after she left Havana being Sierra Leone. The capturing vessel was first seen in latitude 4° S., longitude 4° 50′ W., on the 29th of April. Capture took place on the 1st of May in latitude 2° S., longitude 8° 40′ W. The vessel was steering for Havana when first pursued, and did not hoist any additional sail, or alter her course when chased. The vessel's course was not in accordance with her papers, private sealed instructions having been given by the owner, which when opened at sea were found to contain orders to proceed to the coast of Africa. There is no gun mounted; there are 20 cutlasses, 22 muskets, 4 pistols, and 2 or 3 barrels of powder, and some cartridges for defence of the vessel against pirates. Had no instructions for resisting or avoiding capture, or for concealing or destroying any papers. Don Nicola Bialé is the owner of the vessel. Knows it from having received charge of the vessel from that person. The said Bialé is a native of Portugal, and lives at Havana with his wife, a native of Portugal also. Does not know how long the said Bialé has resided at Havana. Believes he formerly lived at Oporto. He knows nothing of any bill of sale, or respecting the price of the vessel; believes if the vessel be restored, she will belong to Bialé; knows of no private agreement. The owner of the vessel is also owner of the cargo. There is no consignee. The slaves were put on board by the first mate, José Maria Estevan, who went ashore for the purpose. The slaves were to have been landed on the island of Cuba for account and risk of the said Nicola Bialé, and if restored will belong to no other person. Believes the slaves to be Bialé's property, from knowing no other person interested in them. Supposes there must have been some person on shore to collect the slaves, and have them in readiness for the vessel on her arrival, but does not know who that person is, or anything about him. He knows nothing of the last voyage. There was no cargo shipped at Havana except rice. The present cargo consists of slaves; 291 were shipped altogether, all males; none died before capture; one man died after seizure. After capture the vessel was taken to Sierra Leone. All the papers delivered up were and are entirely true and fair. No papers, excepting the letter of instructions, of which he has spoken, were concealed, destroyed, or made away with. The letter was addressed to the mate Estevan, and was destroyed by him immediately after its being read, and in witness's presence. He knows of the existence of no other papers relating to vessel or cargo. There was no charter-party. He does not know whether the vessel or cargo be insured. The vessel was under the management of the mate Estevan in regard to her trade. No slaves have been disembarked since capture."

Juan Armengol, the carpenter of the detained vessel, was the second witness examined in this case. He could, however, give no further evidence of any importance than that the vessel cleared out at, and was to return to Havana; and that the embarkation of the slaves at Whydah occupied only two hours.

The publication of the foregoing evidence passed on the 15th instant.

On the expiration of the monition, citing all parties interested in the case to appear, the 19th instant was appointed for the day of trial. In pronouncing judgment the Court commented at length upon the Spanish character under which the "*Josephina*" had been prosecuted, and the apparent Portuguese nationality which she derived from the cover of a flag and papers of that nation at the time of seizure. It appeared in evidence that the passport of the vessel bore endorsements which plainly showed that her employment had been in the trade between this coast and Havana since December, 1839, with the

exception of a very short voyage to Monte Video. The master in his examination had also stated that the present owner, Nicola Bialé, was a resident of Havana, where the present voyage began, and was to have ended; admissions sufficiently clear to indicate the vessel's Spanish character and unlawful pursuits. On the last-mentioned point, also, the carpenter's evidence confirmed that of the master.

In the case of the "*Recurso*," lately adjudicated in the British and Spanish Court, it was observed that the same owner and master appeared in her passport as are named in that of the "*Josephina*." The master found on board of the "*Recurso*" at the time of her seizure admitted the ownership of Jozé da Cuuha, as stated in the passport, and explained that he resided at Havana, where he no doubt continues to live. In this instance, therefore, the official as well as the alleged owners are residents of Havana.

Under all these circumstances, should the Portuguese passport even be an authentic document, of which the Court entertained great doubt, still it could only be considered as a mere cover to a Spanish Slave-trade adventure; and the vessel's *bonâ fide* character and course of trade must therefore be held to be essentially Spanish.

The Spanish nationality of the vessel having been decided, the Court accordingly pronounced a sentence of condemnation, and emancipated from slavery the survivors of the 291 negroes seized on board of her, namely, 290.

(Signed) WALTER W. LEWIS.
JOHN CARR.

No. 80.

Viscount Palmerston to Her Majesty's Commissioners.

GENTLEMEN, *Foreign Office, July* 22, 1841.

I HEREWITH transmit to you for your information a copy of a Despatch from Her Majesty's Commissioners at the Havana, containing their Report upon the Slave Trade of the Island of Cuba for the year 1840.

I am, &c.
(Signed) PALMERSTON.

Her Majesty's Commissioners,
&c. &c. &c.

Enclosure in No. 80.

Havana Commissioners to Viscount Palmerston, January 1, 1841.

(See No. 137.)

No. 81.

Viscount Palmerston to Her Majesty's Commissioners.

GENTLEMEN, *Foreign Office, July* 31, 1841.

I HEREWITH transmit to you for your information copies of Despatches from Her Majesty's Commissioners at the Havana, giving an account of the Slave Trade at that place during the months of February, March, and April last.

I am, &c.
(Signed) PALMERSTON.

Her Majesty's Commissioners,
&c. &c. &c.

Enclosure in No. 81.

Havana Commissioners to Viscount Palmerston, March 10, *April* 14, *and May* 25, 1841.

(See Nos. 149, 154, and 162.)

No. 82.

Her Majesty's Commissioners to Viscount Palmerston.

Sierra Leone, June 3, 1841.
(*Received July* 31.)

MY LORD,

WE were honoured on the 29th ultimo with the receipt of your Lordship's Despatch of the 7th April last, inclosing copies of 2 Despatches from Her Majesty's Commissioners at Havana, containing reports of the state of the Slave Trade at that port for the months of December, 1840, and January, 1841.

Of the vessels mentioned by the Havana Commissioners we regret to say we can only report the condemnation of one, the schooner "*Liberal*," on the 5th ultimo.

The Havana Commissioners have remarked in their letter of the 22nd of January last, that "the desperate condition to which the Slave Trade had been reduced would appear manifest from the inferior vessels now employed in it." We wish we had it in our power to corroborate this opinion, but unfortunately the description of vessels which have come before us for adjudication up to the present time on charges of being concerned in the Spanish Slave Trade will not authorize us in coming to a similar conclusion, almost all the slavers which we have lately cut up having been as formerly nearly or quite new vessels.

We have, &c.
(Signed) WALTER W. LEWIS.
M. L. MELVILLE.

The Right Hon. Viscount Palmerston, G.C.B.,
&c. &c. &c.

No. 83.

Viscount Palmerston to Her Majesty's Commissioners.

GENTLEMEN,

Foreign Office, August 25, 1841.

I HEREWITH transmit to you for your information a copy of a Despatch from Her Majesty's Commissioners at the Havana, containing their Report on Slave Trade at that place for the month of May last.

I am, &c.
(Signed) PALMERSTON.

Her Majesty's Commissioners,
&c. &c. &c.

Enclosure in No. 83.

Havana Commissioners to Viscount Palmerston, June 21, 1841.

(See No. 170.)

No. 84.

The Earl of Aberdeen to Her Majesty's Commissioners.

GENTLEMEN,

Foreign Office, September 11, 1841.

I HEREWITH transmit to you for your information a copy of a Despatch from Her Majesty's Commissioners at the Havana, containing their Report on the Slave Trade at that place for the month of June last.

I am, &c.
(Signed) ABERDEEN.

Her Majesty's Commissioners,
&c. &c. &c.

Enclosure in No. 84.

Havana Commissioners to Viscount Palmerston, July 24, 1841.

(See No. 180.)

No. 85.

Her Majesty's Commissioners to Mr. Backhouse.

Sierra Leone, June 30, 1841.

SIR, (*Received September* 20.)

IN pursuance of the 75th clause of an Act passed in the 5th year of the reign of His Majesty George IV., entitled, "An Act to amend and consolidate the laws relating to the abolition of the Slave Trade," we have the honour to enclose a Return of all vessels adjudicated in the British and Spanish Mixed Court, from the 1st of January last to this date.

We have, &c.

(Signed) WALTER W. LEWIS.
M. L. MELVILLE.

John Backhouse, Esq.
&c. &c. &c.

Enclosure in No. 85.

Return of Vessels adjudicated by the British and Spanish Mixed Court of Justice, established at Sierra Leone, between the 1st January and the 30th June, 1841.

Name of Vessel.	Flag.	Name of Master.	Date of Seizure.	Where Captured.		Property Seized.	Seizor.	Date of Sentence.	Number of Slaves Captured.	Number died before adjudication.	Total Number Emancipated.	Tonnage of the Vessel.			Decretal part of Sentence, whether Forfeiture or Restitution.	Whether property condemned has been sold or converted, and whether any part remains unsold, and in whose hands the proceeds remain.
				Latitude.	Longitude.							Foreign, according to the Papers.	English. Old Admeasurement.	English. New Admeasurement.		
* Recurso .	Portuguese.	Ramon Trillo	1840. Nov. 23	4° 4′ N.	6° 6′ E.	Schooner and cargo.	George Lowcay Norcock, Esq. H.B.M. Brigantine "Forester."	1841. Jan. 11	..	..	..	*85	$144\frac{80}{94}$	$69\frac{45}{3500}$	Condemned for being concerned in the illicit traffic in slaves.	Vessel and stores sold at Public Auction, and the proceeds paid into the Military Chest.
* Boâ União	,,	Francisco Jozé Olindes.	Dec. 9	Off Seab	ar River	,,	Henry Worsley Hill, Esq. H.B.M. Brig "Saracen."	Feb. 1	..	..	..	*99	$113\frac{27}{94}$	$54\frac{3246}{3500}$	..	..
* San Paulo de Loando.	,,	Jozé Maria de Amizega.	— 11	,,	,,	,,	,,	,,	..	..	..	*110	$132\frac{69}{94}$	$63\frac{645}{3500}$	..	..
Urraca . .	Spanish	Laureano Lopez.	1841. Jan. 19	,,	,,	,,	,,	Feb. 23	..	..	..	45	$132\frac{65}{94}$	$64\frac{2155}{3500}$	..	..
Republicano	,,	Felix Marengo	Feb. 22	,,	,,	Brig and cargo.	,,	April 6	..	..	..	102	$161\frac{46}{94}$	$100\frac{1140}{3500}$	..	..
Liberal .	Portuguese.	Pedro Chicota	Mar. 31	6° 3′ N.	1° 37′ E.	Schooner and cargo.	William Tucker and Henry Broadhead, Esqrs., Commanders of H.B.M. ships "Wolverene" and "Lynx."	May 5	..	..	..	107	$178\frac{49}{94}$	$91\frac{280}{3500}$	..	..
Josephina .	,,	Manoel Antonio dos Santos Pereira.	May 1	2° 0′ S.	8° 40′ W.	Brigantine & 291 slaves.	Edward H. Butterfield, Esq. H.B.M. sloop "Fantôme."	— 20	291	1	290	160	$214\frac{32}{94}$	$125\frac{554}{3500}$	..	..

* The tonnage of these vessels is taken from the evidence of the witnesses, no tonnage being stated in any of the ship's papers.

Sierra Leone, 30*th June*, 1841.

(Signed) C. BIDWELL, *Registrar.*

(Signed) WALTER W. LEWIS.
M. L. MELVILLE.

No. 86.

Her Majesty's Commissioners to Viscount Palmerston.

Sierra Leone, July 27, 1841.

My Lord, (*Received September* 20.)

We have the honour to enclose herewith our report of the case of the Spanish schooner "*Amalia*," Domingo Cabrera, master, seized for being equipped for the Slave Trade off Bissão on the 3rd of this month by Her Majesty's sloop "Wanderer," Commander the Honourable Joseph Denman.

The detained vessel arrived here on the evening of the 9th instant, and proceedings were commenced against her on the 12th in the British and Spanish Mixed Court of Justice, which terminated in her condemnation this day, the charge of equipment having been satisfactorily proved.

The "*Amalia*" appears to have formerly been the property of the noted Ramon Font of Havana, who is stated to have had her built in America about 3 years since, and to have transferred her in March last to one Caetano Estremera of St. Jago de Cuba, who appeared as supercargo and claimant in the case. Estremera took her to the coast of Africa, and we have no doubt employed her there in conveying slaves from Bissão to the Cape Verdes.

The captor conveys in his declaration to us his own suspicions, on information afforded him by the crew of the captured vessel, that Caetano Nozzolini was her consignee at Bissão, and we regret to learn from the evidence adduced in the case that so infamous a character is at this moment in the command of that settlement.

We have, &c.

(Signed) WALTER W. LEWIS.
M. L. MELVILLE.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

Enclosure in No. 86.

Report of the case of the Spanish schooner "Amalia," *Domingo Cabrera, Master.*

The papers found on board this vessel were eight in number, three of which were delivered up to the captor at the time of seizure, and the remainder were afterwards discovered in the master's trunk; the former consisted of:—

1. Royal Passport, No. 85, for the schooner "*Amalia*," of 93 tons burthen, Domingo Cabrera master, states that the vessel belongs to Cayetano Estremera, of St. Jago de Cuba; is dated at the "Palace" on the 25th of January, 1840, and at St. Jago de Cuba on the 26th of March, 1841. The endorsement states that the master has been warned not to engage in the prohibited traffic in slaves.

2. Muster-roll for the said schooner, commanded as above, bound to the port of Santa Cruz, of Teneriffe, Cape Verdes, and Goree, with a crew consisting of 10 persons (not including the master), and 1 passenger, dated at St. Jago de Cuba, 26th of March, 1841, and endorsed, "Seen at the Spanish Consulate, Villa de Praia, Cape Verdes, for a voyage to Bissão, with the same crew, on the 12th of May, 1841." "Seen at Bissão, bound to Cape Verds, with the same crew, on the 5th of June, 1841." "Seen at the Spanish Consulate, Villa de Praia, for Bissão, with the same crew, on the 26th of June, 1841."

3. A mutilated log-book: the part which remains states that the vessel sailed from Bissão for Cape Verdes on the 5th June; continues to the 15th; is then blank to the 26th, the date of the vessel's arrival at St. Jago, Cape Verdes, where, it is stated, she anchored and weighed again the next day and went to sea.

The other five papers were:—

4. Manifest of a cargo of rum, coffee, sugar, and tobacco, shipped on board the "*Amalia*," commanded as above, and bound to Canaries, Cape Verdes, and Goree, dated at Cuba, 26th of March, 1841.

5. A certificate that it had been agreed upon between Domingo Cabrera, the master, and Ramon d'Oruna, the mate of the vessel, that the said Ramon d'Oruna, in consequence of having particular business to transact, was at liberty to disembark, placing in his stead a Spanish mate, named José Mijares, and resigning every advantage that might otherwise have accrued to him on the return voyage to Cuba, reserving his wages to the date of his landing at Bissão. This document is dated the 24th of May, and signed by Ramon d'Oruna, in the presence of José Mijares, Ramon Trillo, and João Martinez, who sign as witnesses.

6. A letter, without date, addressed by Domiana Thomazia to Manoel Robolo Barboza, in which the writer speaks of a slave Barboza had brought to assist her; and mentions that she would be happy to receive another.

7. A document, dated at St. Jago de Cuba, on the 1st of May, 1841, signed by José Ayo, who therein certifies that Juan Enrriques, seaman on board the Spanish schooner "*Amalia*," under the

command of the said José Ayo, had that day disembarked from her, and had conducted himself satisfactorily.

8. The remaining paper was a letter from Antonio Bentura to Don Rafael Santa Anna Hiso, dated Canaries, July 30th, 1839; the contents are unimportant.

On the 3rd of July the "*Amalia*" was detained by Her Majesty's sloop "Wanderer," the Honourable Joseph Denman, commander; she arrived at Sierra Leone on the evening of the 9th of July, and was reported by the marshal on the following morning.

On the 12th the captor's proctor delivered into the registry, for the purpose of being filed, the captor's declaration and the vessel's papers, authenticated by the affidavit of the prize officer: the usual monition was issued from the British and Spanish Mixed Court of Justice, as also a commission of survey and inspection (the case being one of equipment).

The declaration of the captor was to the following effect:—"I, Joseph Denman, commander of Her Britannic Majesty's sloop 'Wanderer,' hereby declare that, on this 3rd day of July, 1841, being in latitude 11° 49′ N., longitude 16° 49′ W., I detained the Spanish schooner named the '*Amalia*,' armed with no guns, commanded by Domingo Cabrera, who declared her to be bound from Cape Verde Islands to Bissão, with a crew consisting of 11 men.

"I do further declare that the documents numbered 1, 2, and 3, were the only ones which were delivered to me voluntarily, and that the log was then in its present mutilated condition; and that the remaining papers were discovered in the captain's chest.

"That the cargo was landed at Bissão, in contravention of the custom-house clearance.

"That the supercargo and captain deny that she has any consignee at Bissão; whereas the crew declare that Cayetano Nossolini is the consignee, and that the cargo was landed at his stores.

"I do further declare that the said vessel is built entirely for fast sailing; is fitted for sweeps, and in no respect resembles an ordinary merchant vessel intended for lawful trade; that she has an extraordinary quantity of fire-wood; and that having also on board an extraordinary quantity of water-casks, I have detained her under the existing treaty with Spain."

On the 13th instant the mate and supercargo were produced and examined on the standing and special interrogatories: their evidence was to the following effect:—

The mate, Jozé Mijares, deposed That "the name of the master is Don Domingo Cabrera. Has known him since the 20th of May last. He is a native of the Canaries. Does not know his fixed place of abode, nor whether he be married. He does not know who appointed the master to the command of the vessel. Thinks, however, that the said master took possession of her in Cuba; first saw the vessel at Bissão on the 20th of May. Does not know where she was built. He was present at the capture of the vessel, but does not know under what pretence she was so seized. The vessel sailed under Spanish colours, and had no others on board. The vessel's name is '*Amalia*,' and she has never borne any other to witness's knowledge. The tonnage of the vessel is about 93 tons, and she was navigated by a crew of 12 officers and mariners, exclusive of the master, all Spaniards except one, a native of Curaçoã. Witness thinks that they were shipped at Cuba. Witness, and he thinks others, owned part of the cargo, consisting of Havana cigars. Was mate on board. There were 8 passengers on board, shipped at St. Jago (Cape Verdes) for Bissão; one was an officer of Customs, another a female, with her servant, four coloured people, and a mariner. Witness does not know for what purpose they were going to Bissão. Witness has heard that the voyage began at Cuba, from thence the vessel came to St. Jago, Cape Verdes, which was the last clearing port, and to Bissão, at which two last-mentioned places the tobacco was disposed of. The vessel was then to proceed to Goree and the Canaries for freight; but witness is ignorant where the voyage was to end. The vessel was steering for Bissão, her destination, when capture took place on the 3rd instant. The course was not altered, nor any additional sail made to avoid capture. There are no guns mounted; there are however 7 muskets and 6 cutlasses, but no ammunition. No resistance was made to capture, and there were no instructions to escape detention, nor to destroy or conceal any of the ship's papers. The supercargo, Don Cayetano Estremera, is the owner of the vessel, and is a native of Cadiz. Witness does not know where he resides. Knows nothing of the existence of any bill of sale, the price of the vessel, nor the name of the seller. The owner of the cargo was the supercargo, by whom, witness thinks, it was shipped at Cuba. Does not know the name of the consignee. The cargo if restored will belong to the said supercargo. Does not know the lading of the vessel on her last voyage. The present consisted of aguadiente, cigars, sugar, and coffee. To the best of witness's knowledge and belief, the passport and other ship's papers were true and fair. None of the ship's papers were destroyed, concealed, or made away with. There are no papers, to witness's knowledge, in any other country concerning the vessel or cargo. Does not know whether there was any charter-party signed for the voyage. Does not know whether the ship or goods be insured or not. Bulk was broken at St. Jago, Cape Verds, and at Bissão. The hatches are not fitted with open gratings. The coamings of the hatchways are not bored for gratings, nor are there any iron bars on board. There are the bulkheads of the cabin and forecastle. There are no spare planks on board. There is no part of a slave deck laid. There are no shackles, bolts, nor handcuffs. There were 10 pipes, also 3 small casks capable of containing, witness thinks, 120 gallons; 6 of the former were filled with fresh water at the time of capture. The vessel was supplied with no other means of conveying water. There were 2 mess-kits on board for the use of the crew. There were no copper or iron boilers. The cabouse is of a small size, and fitted to receive only three small boilers for cooking the provisions of the crew. There were only half a bag of rice and half a bag of flour on board for the consumption of the crew."

The supercargo, Cayetano Estremera, deposed That "the name of the master is Domingo Cabrera. Has been acquainted with him three months. He is a native of the Canaries, but generally resides in Cuba. Does not know if he be married. Witness being the owner, appointed the master to the command in March last, at St. Jago de Cuba, where he (witness) resides. Has known the vessel since the 10th of March last. She is American built. He was on board at the taking of his vessel, but is ignorant of the reason of seizure. The vessel sailed under the Spanish flag and had no other flag. The vessel has never borne any other name but '*Amalia*.' She is 93 tons burden, and had a crew of 11 officers and mariners, exclusive of witness, all Spaniards, shipped and hired by the master, Domingo Cabrera, at St. Jago de Cuba in March last. Witness owned the vessel and cargo, except some cigars, which were the property of the master and mate. Was supercargo. There were 8 passengers, 2 Portuguese Government-officers, 4 black people, a female and her servant, embarked at St. Jago, Cape

Verds, for Bissão. Witness does not know for what purpose they were going to the latter place. The voyage began at St. Jago de Cuba, where it was to have ended, after the vessel had visited St. Jago, Cape Verds (the last clearing port), Bissão, Goree, and the Canaries. Part of the cargo was disposed of at the Cape Verds and at Bissão. The vessel had just crossed the bar at Bissão when the man-of-war first made her appearance, and capture took place then and there. The course was not altered, but always directed to the places to which the vessel was destined by her ship's papers, nor was additional sail hoisted to escape capture. The vessel carried no guns, but had 7 muskets and 6 cutlasses, and about 3 pounds of powder, for the purpose of resisting the boarding of any native canoes. No resistance was made to capture, nor did he ever issue instructions for the destruction or concealment of any of the ship's papers. Witness was the owner of the vessel, resides at St. Jago de Cuba, and is a Spanish subject. The bill of sale is lodged at St. Jago de Cuba, where witness gave 7,000 dollars for the vessel to Don Ramon Font. The price has been paid, and witness considers it a true and fair equivalent for the vessel. Witness was the lader, principal owner (except of the tobacco belonging to the master and mate) and the consignee of the cargo. It was to have been sold at Bissão and St. Jago, Cape Verds. He does not know what cargo the vessel might have carried on her last voyage. The present lading consists of aguardiente, coffee, sugar, and cigars. The passport and other ship's papers are all true and fair. None of the ship's papers were destroyed, concealed, or made away with. There are no papers relative to the ship or cargo (except the bill of sale) in any other country. There was no charter-party. Neither the vessel nor cargo is insured. Bulk was broken at St. Jago, Cape Verds. The coamings of the hatchways are not bored, and there are no iron bars. There are two bulkheads, those of the cabin and forecastle, but no bunks. There are no spare planks. There is no slave-deck, nor a part of one laid. There are no shackles, bolts, or handcuffs. There were 7 pipes and 3 small casks, about 5 or 6 filled with fresh water. Thinks that they would contain about 110 or 115 gallons. There are no tanks or staves. There were 3 mess-tubs for the use of the crew. There are no slave boilers on board. The cabouse is small, and such as is usually seen in merchant vessels of this description. Of provisions there was only one bag of rice on board for the use of the crew."

Publication of the foregoing evidence was decreed on the 13th instant.

On the 14th the surveyors presented their Report, which was subsequently directed to be amended, and was not finally filed till the 20th, a delay owing partly to the illness of one of the surveyors; its substance was that the hatches and bulkheads were such as are usual in merchant vessels; that there was no spare plank; that they found no mess-kits; that there were three boilers capable of containing twelve and a half gallons, and also other cooking utensils of the content of two gallons more, which, though ample, the surveyors were of opinion was not too great a supply for a merchant-vessel of her class; that there were no shackles or manacles, but that they had found one small manacle-bolt five inches in length; that the ceiling of the vessel is pierced with holes on each side 22 inches from the deck, and capable of receiving spars on which a slave-deck might be laid; that there were 14 water-casks, capable of containing 1365 gallons, a quantity much more than requisite for the crew of the vessel as a merchant-vessel; that there was a quantity of fire-wood such as is always found on board slave-vessels, and much more than sufficient for a vessel of her class employed on a legitimate voyage; and in conclusion the surveyors reported that the vessel was built sharp, fitted with sweeps, and in every respect adapted for the Slave Trade.

On the 16th a claim was presented on behalf of the supercargo, as owner of the vessel and of the cargo, with the exception of 44 boxes of cigars, stated to be the property of the master, Cabrera, and which were also claimed on his behalf. The affidavit in support of the claim was as follows:—"Appeared personally Cayetano Estremera, of Saint Jago de Cuba, merchant, and maketh oath that he is a subject of Her Majesty the Queen of Spain, and that the said schooner was captured on the 3rd day of July instant by Her Majesty's sloop 'Wanderer,' the Honourable Joseph Denman commander, in prosecution of a lawful trading voyage from Saint Jago de Cuba to the coast of Africa, and brought to Sierra Leone. And he further maketh oath, that this deponent was at the time of the said capture, and now is, the true, lawful, and sole owner and proprietor of the said schooner, her tackle, apparel, and furniture; that Domingo Cabrera, the master of the said schooner, is the true and lawful owner and proprietor of 44 boxes of cigars on board the said schooner, and that this deponent is the true and lawful owner and proprietor of the remainder of the cargo on board the said schooner. And the deponent further maketh oath, that the said Domingo Cabrera having been taken sick of fever, he was left on shore at Bissão, and this deponent employed Jozé Mijares to act as master. And the deponent further maketh oath, that he verily believes that the said schooner and cargo are protected by the Treaty between His late Britannic Majesty and the Queen-Regent of Spain. And he further maketh oath, that no person or persons other than the persons before mentioned have any right, title, or interest in the said schooner, her tackle, apparel, and furniture, goods, wares, and merchandize on board the same at the time of the capture and seizure thereof, and that he is duly authorised to make the claim hereunto annexed, that the same is a true and just claim, and that he shall be able to make due proof and specification thereof."

No opposition being offered on the part of the captor, this claim and the affidavit annexed to it were at once filed.

The monition was returned on the 19th, and on the same day the claimant's proctor prayed that certain special interrogatories might be put to the supercargo and to the cook of the vessel, as also to the surveyors, Messrs. M'Foy and Nicol; the prayer being granted by the Court, these parties were examined by the Registrar on the 20th.

Cayetano Estremera, the supercargo, deposed, that "the vessel came to the coast of Africa for the purpose of obtaining a cargo of ivory, palm-oil, rice, and hides, principally at Bissão; that the outward cargo had been disposed of at St. Jago, Cape Verds, and part at Bissão; at the Cape Verds payment had been received in bills on Bissão, and at the latter place in rice, ivory, palm-oil, and hides. That the iron bolt found on board was for the purpose of fastening the stancheon of the awning. That three of the empty casks originally contained wine and spirits for the use of the cabin and crew. That the wood on board was used as dunnage for stowing the cargo. That there was one passenger, Manoel Santa Benia, taken on board at St. Jago de Cuba, and disembarked at Bissão, who, witness understood, came on commercial matters to the coast. That there were eight other passengers taken on board at St. Jago, Cape Verds, for a passage to Bissão. And lastly, that witness bought the vessel with the holes cut in the ceiling, and which are for ventilation."

John Victor, the cook of the vessel, deposed, that "the vessel came to the coast for palm-oil, rice, ivory, and hides. That part of the cargo was sold at Cape Verds, but no return was then made for it,

and part at Bissão for rice, palm-oil, and ivory. That he had never seen the iron bolt said to be on board the vessel. That there were four empty casks, two of which formerly contained spirits and two wine for the use of the cabin and crew. That the wood was used as dunnage, as well as for the cabouse fire. That one passenger was shipped at Cuba and eight at the Cape Verds for a passage to Bissão."

Mr. M'Foy stated in his examination that slave-vessels were as often found without as with cleats on their sides for laying slave-decks upon; and that there were no cleats on the sides of this vessel.

Mr. George Nicol deposed to a similar effect, adding that when cleats are not used, oblong, square, or round holes in the ceiling frequently supply their places.

Publication was granted to the claimant on the 20th instant.

On the 22nd, the captor's proctor having prayed and obtained the sanction of the Court to the re-examination of the supercargo on special interrogatories, that person was brought up on the same day, and examined by the Registrar, and deposed as follows: That "he first made the Island St. Jago, Cape Verds, after leaving St. Jago de Cuba, in the month of May last; does not remember the day of the month. Remained there nine days, and disposed of one-fourth of the cargo, consisting of tobacco and a little coffee, at this island, to Francisco Brito, a Portuguese, and a resident merchant of Cape Verds, and to Señor Tima, a resident of the island, but of whose nationality witness is ignorant. These two persons compose a firm at St. Jago, Cape Verds. The purchasers deposited the cargo in their own stores. Witness only knows Cayetano Nozzolini personally, never having exchanged words with him. Saw him at Bissão, of which place Cayetano Nozzolini is Governor. Witness does not know whether he carries on any commercial business in addition to his government situation. Witness, after effecting the sale of his tobacco and coffee for rice, palm-oil, ivory, and hides, was returning from a second voyage to the Cape Verds, and had arranged to ship the said produce on reaching the port of Bissão, but before this could be effected seizure took place. The produce was consequently left behind at Bissão. The vessel was chartered for the second voyage to the Cape Verds by Don José Paula, the late Governor of Bissão, and started for those islands on or about the 10th of June last. After leaving Bissão the vessel went, in fulfilment of the charter-party with Don José Paula, to St. Jago, Cape Verds. Arrived at the above port on or about the 18th of June, cannot recollect the exact date. Remained there nine days, and landed 10 boxes of cigars at this port, and sold them to Señor Tima. The bill on Bissão, which witness obtained for the outward cargo sold at St. Jago, Cape Verds, is now at the former place. The said bill was drawn on one Juan Barrios, a Portuguese merchant, resident at Bissão, in whose custody it remains at present. There was but one bill drawn at St. Jago, Cape Verds, for the purchase of the tobacco and coffee, by Messrs. Francisco Brito and Tima. It amounted to 800 dollars. Witness left the bill of sale behind at St. Jago de Cuba, not having any intentions to sell the vessel, and therefore not requiring the said document. The name of the seller of the vessel is Ramon Font, a Spanish subject living at St. Jago de Cuba, from whom witness purchased the vessel about the 1st of March last, but is not positive as to the precise day of the month. Declares that it is not customary either to have the bill of sale or a notarial copy of it on board during a voyage. He intended to visit the Canaries on the homeward voyage, for the purpose of disposing of the rice, hides, palm-oil, and ivory, in exchange for wines, aguardiente, and crockery-ware, which witness would have sold at Matanzas, where there is a great demand for the above-mentioned articles."

Publication of this evidence having been prayed, and the case closed on behalf of the captor and the claimant, on the 24th instant the Court proceeded to put further interrogatories to the supercargo, mate, and cook.

To these interrogatories Cayetano Estremera deposed, That "he was born at Cadiz. Has lived in Cuba seven years; is married, and his wife and family reside in Cuba. Witness gave the master, Cabrera, possession of the vessel at St. Jago de Cuba at the end of the month of March last. Witness cannot recall to recollection the precise day of the month. First saw the vessel at St. Jago de Cuba three years ago. Witness knows that the vessel was built at New York, from having been told so by the late owner, Ramon Font. That he, the said Ramon Font, had employed one José Ayo, a mariner, to superintend the building of the vessel at New York, after having contracted with certain Americans (whose names witness does not know) to build the said vessel. During the three years witness has known the vessel, she has never gone by any other name than '*Amalia*.' The Portuguese ensign was received on board at Bissão, after Don José Paula had chartered the vessel, in order to serve as a signal for the said Paula; he being the late Portuguese Governor of that settlement. But witness always hoisted and sailed under the Spanish flag during the voyage. Witness is ignorant of the names of the 8 passengers taken on board at St. Jago, Cape Verds, for a passage to Bissão. The present voyage commenced at St. Jago de Cuba on or about the 1st or 2nd of April last, to the best of witness's knowledge. First made St. Jago, Cape Verds, on or about the 30th of May last, and continued there 9 days for the purpose of selling cigars and coffee. After this the vessel proceeded to Bissão, and arrived there on the 8th of June, likewise to dispose of that portion of the outward cargo consisting of aguardiente, sugar, coffee, and cigars; for which he was to receive hides, ivory, palm oil, and rice. Remained at anchor at Bissão 10 or 11 days. At the expiration of the above period the late Governor of Bissão, Don José Paula, chartered the vessel for a voyage to St Jago, Cape Verds, whither the vessel arrived on the 19th of June; and after remaining 8 days at that island to await the recovery of José Paula, who had been taken ill, and did not regain his health sufficiently to return in the vessel to Bissão, witness again sailed for Bissão, and on reaching the bar of the river, on the 4th of July last (to the best of his knowledge), was seized and detained by the man-of-war. Witness declares that he is the sole owner of the vessel, and that no other person has any right, title, or share in the said vessel. The witnesses to the bill of sale were the Secretary of Marine at St. Jago de Cuba, and two of his clerks; cannot remember the names of these persons. The bill of sale was dated on the 12th March of the present year. The said document is now deposited at the office of the Secretary of Marine. The purchase-money of the vessel was paid in doubloons and dollars, amounting to 7000 dollars. Witness swears that the sale was in every respect true and fair, and neither false nor fictitious. Ramon Font is a Spanish merchant, resident at St. Jago de Cuba, where he carries on business. The said Font (witness swears) has no share or interest in the vessel. Declares that, in the event of the vessel's restitution, she will again become the property of witness, and of witness alone. There was no private agreement between witness and Ramon Font, or between witness and any other person, with regard to the vessel. Witness knows José Ayo, the said Ayo having been captain of the '*Amalia*' for about four days after he had bought her from Ramon Font. Ayo generally resides at St. Thomas's, in the West Indies, but is very frequently at St. Jago de Cuba. He is a mariner

by profession, and commanded the '*Amalia*' whilst that vessel was owned by Ramon Font. On paper No. 7 being shown to witness he declared that it was a discharge of a sailor named Juan Enrriques by Jozé Ayo, who was then the captain of the '*Amalia;*' that witness does not know the reason of Ayo dismissing the said seaman; and that the said document was written and dated at St. Jago de Cuba, on the 1st of last March. The log-book was begun by the new mate, Jozé Mijares, from the day he shipped at Bissão. From that date the said log contains a correct account of the transactions of the voyage. Witness cannot say when, and by whom, the first leaves of the log-book were torn out; but as it only commenced at Bissão, witness declared, on his examination in chief, that none of the papers were destroyed, concealed, or made away with. On the second voyage to St. Jago, Cape Verds, from Bissão, when Jozé Paula chartered the vessel, witness carried cigars on freight; but in this cargo the said Paula had no interest, having engaged the vessel solely for the purpose of taking him to the Cape Verds for a change of air, on account of serious illness. Paula did not return to Bissão, as he still continued ill when the vessel left St. Jago, Cape Verds."

Jozé Mijares stated That "he was appointed mate of the '*Amalia*' by the master, Domingo Cabrera, at Bissão, on the 24th of May last. It was generally known at Bissão that Domingo Cabrera was born in the Canaries: has often heard this fact mentioned, but not by the master himself. The Portuguese ensign was used on board as a signal; Jozé Paula, the late governor of Bissão, having chartered the vessel for a voyage to Cape Verds. Witness declares that part of the cargo, as he has heard by report at Bissão, was owned by one of the crew, named Paublino. Cannot, however, remember the said seaman's Christian name, nor what portion of the cargo belonged to him. Witness states that forty-four boxes of cigars were his own property; but that no other officers and mariners, except Paublino, had any interest or share in the vessel's lading. Immediately after witness had shipped as mate on board the '*Amalia*' in June last, the master Cabrera informed him that Cayetano Estremera was the true and lawful owner of the said vessel: the owner himself subsequently confirmed this statement to witness. To the best of witness's knowledge and belief Cayetano Estremera is the *sole* owner of the vessel, and to him will she belong should restoration ensue. Estremera himself told witness that he was born at Cadiz. First became acquainted with him (the said Estremera) on shipping as mate of the '*Amalia*' at Bissão in June last. Thinks that Estremera is a Spaniard, but cannot be positive as to this fact. Does not know of any private agreement between the owner and any other person whomsoever respecting the said vessel. Domingo Cabrera is the master of the vessel. He is now at Bissão, where he has been compelled to remain in consequence of severe indisposition. It was in May last (but cannot tell the precise day of the month) that Cabrera fell ill, and went ashore at Bissão, giving the temporary command of the vessel to witness until his recovery. Witness had the charge of the vessel in the place of the said Cabrera at the time of capture. He has known Cayetano Nozzolini since the month of April last. First saw him at Bissão. Swears that the said Cayetano Nozzolini had no concern, interest, or share in either the vessel, her cargo, or her return freight. Knows that the supercargo, Estremera, is the owner of the lading in the present voyage of the '*Amalia*,' from having been told so in the course of conversation with the captain, and also from having heard the said supercargo mention the fact. Upon these grounds, witness verily believes that the said cargo will if restored again become the property of Cayetano Estremera. Witness declares that bulk was broken at Cape Verds, but it was on the occasion of the second visit to St. Jago, Cape Verds, when he had charge of the vessel. Of the transactions of the first visit to that island witness is entirely ignorant, not having then joined the said vessel. Cigars, aguardiente, sugar, and coffee were landed at Bissão, and delivered to one Juan Barrios, a Portuguese resident of the above-mentioned place, but witness believes a native of the Cape Verds. Witness persists in declaring his ignorance of the ultimate destination of the vessel. Is acquainted with the contents of the ship's paper, No. 5, which bears his signature. It is an agreement between the late mate, Ramon d'Oruna, and witness, to the effect that he should supersede the said D'Oruna in the above capacity of mate, and that the late mate should by the said document forego all claim for wages that he might have. Admits that the paper, No. 5, states St. Jago de Cuba to be the intended destination of the vessel on her return voyage, but in the event of the supercargo not obtaining freight for the above-mentioned place, it was at his (the supercargo's) option to proceed with the vessel to England. Witness therefore cannot be positive as to where the vessel was bound. Knows that Ramon Trillo, one of the witnesses, came to Bissão from Sierra Leone, and was waiting for a passage from the coast. Is ignorant whether he is a Spaniard or Portuguese. The other witness, João Martins, lives with his family at Bissão. He is a blacksmith by trade. That the quantity of water on board at the time of capture was contained in 5½ pipes, the remaining 4 pipes and 3 casks being empty. Some of the water was shipped at Bissão, and some after the vessel's arrival at St. Jago, Cape Verds. The large quantity of firewood which was on board the vessel was principally appropriated as dunnage for the cargo; some of it the cook used in the cabouse."

Justin Victor, the cook, gave in evidence that "he shipped on board the '*Amalia*,' at St. Jago de Cuba, as cook, on the 25th of March last; was hired by the owner, Cayetano Estremera. That two days after he embarked on board the vessel she sailed from St. Jago de Cuba. First touched at St. Jago, Cape Verds; the vessel then went to Bissão; cannot remember how long she remained there. Again went to the Cape Verds; is ignorant of the length of time she stayed there. Lastly, the vessel was on her return to Bissão when seizure took place. Part of the cargo, consisting of cigars, was landed at St. Jago, Cape Verds; and part, namely, cigars and sugar, at Bissão. Does not know to whom the cargo was delivered at Bissão, nor who was the consignee at that place. Witness states that Cayetano Estremera, the supercargo, is both owner of the vessel and her lading; knows this from the said supercargo having engaged him as cook, and also from his having given him an advance of wages. The name of the boatswain was John Johnson, a native of Curaçoã; he was on board at the time of capture. The said John Johnson joined at St. Jago de Cuba at the same time that he (the witness) did, namely, on or about the 25th of March last."

The whole of the evidence deemed requisite having now been received—it being apparent that to put further interrogatories to the Spanish witnesses would have only led to involving some parts of the case in still further obscurity—the next step was to inquire into the validity of the proofs afforded. The testimony of the surveyors in their report being unimpeachable, it remained to examine that of the other witnesses produced, and the documentary evidence given by the ship's papers filed in this case.

These last presented, at the very outset, a remarkable hiatus. From the 26th of March to the 12th of May there appears a cloud thrown over the vessel's proceedings, which it has been found impracticable wholly to disperse.

If the vessel's official papers, and the verbal testimony adduced, are to be believed, Domingo Cabrera sailed with her from Cuba on the 26th or 27th of March, and continued in command till obliged by illness to remain on shore at Bissão, in June last; but if the document found in the master's trunk, purporting to be a certificate or discharge granted to Juan Enriques, be worthy of credit, this vessel was at Havana on the 1st of May. The question then presents itself, where was she, and what was she doing, between the 26th of March and the 1st of May, a period of 35 days? There can be no doubt but that she was illegally employed, else why are we deprived of the evidence her log-book would have afforded us? Frail as is the proof it frequently offers, the log-book is sometimes almost the only document on which any reliance can be placed, as showing the course of a vessel during the voyage in which she has been captured. In the present case the passport is without endorsements of any kind to show the vessel's proceedings; and we find the muster-roll, the only other official paper to which we can look for much information in that respect, fictitious as regards the names of the crew from the very commencement and throughout the whole continuance of the voyage.

With the scanty and most unsatisfactory evidence to be adduced from the vessel's papers, little can be made out on which much reliance may be placed, and the verbal testimony is of a still more discreditable nature; at almost every step the witnesses either deviate from their former statements, or contradict each other. For instance, the owner declares he has known the vessel since the 10th of March last, afterwards he says he has known her for three years; that she had no flag but a Spanish one on board, but afterwards admits there was a Portuguese ensign; that part of the cargo belongs to the mate, afterwards, that it is the sole property of himself and the master; that the course of the vessel was always in accordance with her papers; yet his evidence gives a course of trade on the coast of Africa not sanctioned by any one official document produced in the case; that no papers were destroyed, concealed, or made away with; yet the log-book, for the greater portion of the period stated to have elapsed since the vessel's departure from Cuba, is not forthcoming, and has apparently been torn out for the purpose of concealment; that he received payment for the cargo sold at Bissão in rice, ivory, palm-oil, and hides; but afterwards, that he did not receive payment; that he arrived at St. Jago, Cape Verdes, on the 18th of June, in fulfilment of a charter-party with José Paula, and remained nine days, whereas, in another place, he says there was no charter-party. And the log, such as it is, and the truth of which he swears to, states that the vessel arrived at St. Jago on the 26th of June, and went to sea again the following morning; and he sums up with a positive assertion, that the certificate signed by José Ayo is dated the 1st of March, and not the 1st of May; a piece of effrontery we hardly anticipated even from him. So much for the supercargo.

The mate professes to know nothing prior to the date of his shipment at Bissão; but here he sets off with a falsehood, for he swears he shipped in June, but almost in the same breath says he received the command in May; and his own signature proves that he must have joined the vessel in the latter month. The remainder of his evidence, so far as it goes, is little more satisfactory than that of the supercargo; in one place he swears he thinks *others* owned part of the cargo, but in another, that the supercargo is the owner; and in a third, that one Paublino and himself are part owners of the cargo; apportioning to himself, as is somewhat remarkable, 44 boxes of cigars, which the supercargo had already claimed as, and sworn to be, the property of the master, Cabrera. He declares, again, total ignorance of the destination of the voyage, yet acknowledges his signature to an agreement with the master, Cabrera, and the former mate, d'Oruna, in which Cuba is distinctly named as her return port. As to his own engagement with the vessel, and with regard to the quantity of water-casks, and in some minor particulars, he contradicts the supercargo, whose evidence is not corroborated throughout by that even of the cook, produced as a witness on behalf of the claimant; this man overshoots his instructions, and swears that *four* of the empty casks were rum and wine casks, whereas the supercargo only goes the length of *three*; he swears, too, that the vessel sailed from Cuba on the 27th March, whereas the supercargo fixes the 1st or 2nd April for the date of her departure, anxious, no doubt, to shorten the period over which so much suspicion hangs; he says also, that he was hired by the supercargo, and not by the master, Cabrera, the latter fact being sworn to by Cayetano Estremera, who says that the whole of the crew were hired by the master, though afterwards contradicting himself in regard to José Mijares. But it would avail little to follow those persons through contradictions and falsehoods so glaring and repulsive.

It seems, in the absence of evidence to the contrary, that this vessel formerly belonged to Ramon Font, a character whose name is well known, and has often appeared in the correspondence of the Mixed Commissions; that he transferred her by a sale, fictitious or real we know not, to Cayetano Estremera, on or about the middle of March, 1841; that on the 26th or 27th of that month she sailed from Cuba, ostensibly commanded by Domingo Cabrera, but really, as one of the documents found on board would infer, under the command of the former Captain, José Ayo; that we lose sight of her from that time to the 1st of May, when the boatswain's discharge is signed by the master, José Ayo, and dated at Cuba. We next find her arriving at the Cape Verdes on the 12th of May, and after remaining there some time she sails for Bissão, where she appears to have been on the 24th May, and possibly till the 5th June, when her muster-roll purports to be endorsed. From the 5th to the 26th, a period in which she might have made at least two trips between those places, we have no evidence to rely upon (for to the supercargo's testimony we attach little credit); the log, indeed, is written up to the 15th, but from that to the 26th it is blank, and it then states that the vessel arrived and anchored at St. Jago de Praia, Cape Verdes, weighed the next morning, and went to sea; the probability is, that in the interval she was engaged in conveying slaves from Bissão to the islands. On the 3rd of July she was detained by Commander the Honourable Joseph Denman, in her Majeaty's sloop "Wanderer," as she was entering the passage to Bissão; and an examination of the vessel and papers having taken place, she was seized and sent to Sierra Leone for adjudication, on the charge of being engaged in the Slave Trade. Proceedings having been taken and concluded in the manner detailed in the former part of this report, the 27th was appointed for a day of trial on the joint petition of the proctors employed in the cause, and the Court having met on that day, and being of opinion that the claimant had wholly failed in his attempt to prove that the vessel was at the time of her seizure engaged in lawful traffic, whilst on the contrary the charge of illegal equipment had been most fully established, a sentence of condemnation as good and lawful prize to the Crowns of Great Britain and Spain was accordingly pronounced.

(Signed) WALTER W. LEWIS.
M. L. MELVILLE.

No. 87.

Viscount Canning to Her Majesty's Commissioners.

GENTLEMEN, *Foreign Office, October* 25, 1841.

I HEREWITH transmit to you, for your information, the accompanying copies of two Despatches from Her Majesty's Commissioners at the Havana, containing their Report on the Slave Trade at that place during the months of July and August last.

I am, &c.
(Signed) CANNING.

Her Majesty's Commissioners,
&c. &c. &c.

Enclosures in No. 87.

Havana Commissioners to Viscount Palmerston, August 20 *and September* 15, 1841.

(See No. 184, and No. 187.)

No. 88.

Viscount Canning to Her Majesty's Commissioners.

GENTLEMEN, *Foreign Office, October* 26, 1841.

WITH reference to Viscount Palmerston's Despatch to you, of the 27th February last, respecting the capture of the Spanish slave-schooner "*Sirena*," I herewith transmit to you, for your information, the accompanying copy of a communication from Her Majesty's Minister at Madrid, containing the answer of the Spanish Minister to the representation made by Mr. Aston to the Spanish Government upon this subject.

I am, &c.
(Signed) CANNING.

Her Majesty's Commissioners,
&c. &c. &c.

Enclosure in No. 88.

Mr. Aston to Viscount Palmerston, October 2, 1841.

(See Class B.)

No. 89.

Her Majesty's Commissioners to Viscount Palmerston.

Sierra Leone, September 23, 1841.
(*Received November* 27.)

MY LORD,

WE have the honour to acknowledge the receipt of your Lordship's Despatch of the 22nd July last, forwarding to us, for our information, a copy of a Despatch from Her Majesty's Commissioners at Havana, containing their report upon the Slave Trade of the island of Cuba for the year 1840.

We beg leave to offer our best thanks to your Lordship for the communication transmitted to us.

We have, &c.
Signed) W. FERGUSSON.
M. L. MELVILLE.

The Right Hon. Viscount Palmerston, G.C.B.,
&c. &c. &c.

No. 90.

Her Majesty's Commissioners to Viscount Palmerston.

Sierra Leone, September 27, 1841.
(*Received December* 4.)

My Lord,

We have the honour to acknowledge the receipt of your Lordship's Despatch of the 31st of July, transmitting to us copies of Despatches from Her Majesty's Commissioners at Havana, giving an account of the Slave Trade at that place during the months of February, March, and April last.

We beg leave to offer our best thanks to your Lordship for the information thus afforded to us.

We have, &c.
(Signed) M. L. MELVILLE.
W. FERGUSSON.

The Right Hon. Viscount Palmerston, G.C.B.,
&c. &c. &c.

No. 91.

Her Majesty's Commissioners to Viscount Palmerston.

Sierra Leone, October 12, 1841.
(*Received December* 4.)

My Lord,

We have the honour to enclose herewith our report of the case of the Spanish schooner "*Numantina*," Valentin Cadieres, master, condemned this day for being equipped for the Slave Trade.

This vessel was captured off Cabinda, after an eight hours' chase, on the 2nd September last, by Her Majesty's sloop "Persian," Commander Eden; she arrived here on the 5th instant, and proceedings having commenced the same day, terminated as above mentioned.

The "*Numantina*," it is alleged, was formerly employed in the traffic under the name of "*La Salomé*;" we have no reason to doubt, however, that since the date of her papers (March, 1840) she has gone by her present name, and we believe her to be the same Spanish schooner "*Numantina*," repeatedly mentioned of late in the lists of arrivals and departures forwarded by Her Majesty's Commissioners at the Havana.

The evidence went to prove that Valentin Cadieres was neither owner nor master, though the papers stated that he was both. This, however, in no way affected the fate of the capture, for the true owner, Pedro Marogata, though said to be a French subject, was also sworn to be a resident of Havana; and having under the flag of Spain employed his capital in illicit traffic, rendered it of course liable to the consequences which have now resulted.

We have, &c.
(Signed) WALTER W. LEWIS.
M. L. MELVILLE.

The Right Hon. Viscount Palmerston, G.C.B.,
&c. &c. &c.

Enclosure in No. 91.

Report of the case of the Spanish schooner "Numantina," *Valentin Cadieres, master.*

Sierra Leone, October 12, 1841.

The papers in this case were:—

1. Royal passport, No. 428, for the schooner "*Numantina*," of 90 tons burthen, owned and commanded by Don Valentin Cadieres, of Cadiz, dated at the palace on the 10th April, 1839, and at Havana on the 18th March, 1840. It contains the usual warning against the traffic in slaves, and is endorsed at the same place on the 9th June, 1841, in favour of the same captain, and with a similar warning against engaging in the Slave Trade.

2. Counter-sign or fort-pass, No. 40, in favour of Captain Don Valentin Cadieres for the said schooner "*Numantina*," dated Havana, 18th March, 1841, and endorsed for the same captain and vessel at the same place on the 9th June, 1841.

3. Muster-roll for the same vessel, commanded by the same master, who is here, however, called

Cadieri; the crew are stated to consist of 19 persons including the master, Valentin Cadieri, and the mate, Francisco Barrallie; the former is stated to be a native of Cadiz, and the latter of Ferrol. The list was originally for 21 persons, but two are certified to have quitted her; this document is also dated the 9th of June, 1841.

The 4th was a log-book of the vessel's proceedings, apparently kept by Valentin Cadieres; it commences on the 13th June, and concludes on the 27th August, the remainder being torn out.

The "*Numantina*" arrived at Sierra Leone on the 5th October; on the same day her papers were brought into the British and Spanish Mixed Court of Justice, and the usual monition and commission of survey and inspection were issued.

The captor's declaration is as follows:—"I, Thomas Rodney Eden, Esquire, commander of Her Britannic Majesty's sloop 'Persian,' hereby declare that on the morning of the 2nd September, 1841, being off the coast of Africa, in latitude 4° 39′ South, and longitude 11° 16′ East, I detained the schooner '*Numantina*' under Spanish colours, after a chase of eight hours, she refusing to heave to, though repeatedly fired at by the 'Persian.' I further declare, that on boarding her I found her fully equipped for the Slave Trade, having her slave-deck laid, her leaguers full of water, and slave-coppers in their place, together with a great number of slave-tins for the use of the slaves, armed with a long pivot-gun and a crew of 23 men.

"I further declare that her master, whom I landed sick at Kabenda, acknowledged to me that the vessel in question is the late '*Salomé*,' of the Havana, under which name she had made three trips for Africans to the coast; that she had left Havana on the 14th June, and was bound to Kabenda, for the purpose of taking in 400 slaves.

"I further declare that the accompanying are all the documents that I could find relative to the vessel, numbered from 1 to 4 inclusive."

The affidavit of the prize officer authenticating the papers accounted for the absence of the master, who it appears had been put on shore at Cabinda in consequence of illness.

On the 6th the witnesses, Joaquim Manoel Rosendo Fraga, the boatswain, and Pedro de la Vega, a seaman, were produced at the Registry and examined. The former deposed to the following effect:—That "he was born at Cadiz. Now lives at Havana, where he has resided about six years. Is a subject of Spain, and has never served any other State. Is not married. The name of the master is Valentin Cadieres, the person mentioned in the ship's papers as master, but the real commander was Don Francisco; both were landed at Cabinda by order of the commander of the seizing vessel. He has been acquainted with Cadieres about seven months; but does not know where he was born, nor where he generally resides, or if he be married. Don Pedro Marogata, a resident of Havana, appointed the master to the command. Is ignorant where and when the said master took possession. First saw the vessel about three years ago at Havana; cannot tell where she was built. He was present at the time of seizure. Cannot say upon what pretence the capture took place. The vessel sailed under Spanish colours, and had no other flags on board. The name of the vessel is '*Numantina*,' by which she has been called since the commencement of the voyage at Havana in June last; previously to that time she was named '*La Salomé*.' Does not know her tonnage. The crew consisted of 24 individuals, exclusive of the master, all Spaniards, hired and shipped by the owner at Havana in June last. Witness had no share or interest in the vessel or her lading, and to the best of his knowledge and belief none of the officers nor mariners had any. Was boatswain on board. There were no passengers. The present voyage commenced at Havana in June last, where it was to have ended, and where the vessel last cleared out. The vessel has touched at no ports or places since sailing from Havana, nor has any communication taken place with the shore or the natives during this voyage. Capture took place off Cabinda on the 4th of September, after a chase which commenced at 7 A.M., when the capturing ship was first seen, and terminated at 3 P.M. The course was not altered, but directed during the whole voyage to Cabinda, which was the destination of the vessel, every effort being made, nevertheless, to avoid seizure. There is one gun, a 9-pounder, mounted on board, as well as 16 muskets, 16 cutlasses, and about 3 dozen packets of cartridges. Does not know why the vessel was so armed, nor whether the master had any instructions to resist or avoid capture, or to destroy or conceal any of the vessel's papers. No resistance was made at the time of capture. Don Pedro Marogata owns the vessel, and lives at Havana; but witness is ignorant of the place of his previous residence, having been acquainted with him only one year. Witness knows that the said Marogata is the owner of the vessel, from its being generally reported at Havana. Thinks that Marogata is a French subject. Does not know whether there be any bill of sale, or the amount paid for the vessel. Verily believes that if the said vessel be restored she will belong to Marogata and to no other person. Cannot tell if there are any private agreements for the return of the vessel to her former owners. Witness is ignorant of the names of the laders, owners, and consignees of the cargo. It was shipped at Havana in June last, but cannot say for whose account or risk. The master had possession of the manifest, and to the best of his knowledge and belief he still has it. Witness does not know the nature of the lading on the last voyage. The present cargo consists of aguardiente, which is still on board. It was shipped at Havana in June last. The vessel has not been carried into any ports or places since the capture. The royal passport, fort-pass, and the muster-roll, together with the log, are, to the best of his knowledge, all true and fair. Knows of nothing to affect their credit. Vessels sailing from Havana are always furnished with true ship's papers. None of the ship's papers (with the exception of the manifest, which the master took with him on being landed at Cabinda) have been destroyed or concealed. He is ignorant of the existance of any other papers relative to the vessel and cargo besides the manifest in any other country. He cannot say whether there be any charter-party respecting the present voyage, nor between what parties such may have been made. He is ignorant whether the vessel, or any and what part of the cargo, be insured. Bulk has not been broken from the time the vessel cleared out at Havana, in June, to the time of capture on the 4th September last. The hatches of the said vessel are fitted with open wooden gratings. Does not know for what purpose they are so fitted. The combings of the hatchways are bored—they are thus fitted for the reception of iron bolts and the wooden gratings, which last are constructed above the former. There are iron bolts on board for the said hatches, but cannot tell the number of them. There are two bulk-heads, those of the cabin and forecastle, and two bunks on deck. There are no planks on board. There is a complete slave-deck laid. There are no shackles, bolts, or handcuffs. There are 25 water-casks on board, 4 of which are empty, and the rest filled with fresh water, the quantity of which witness does not know. There are also a quantity of staves on board, but no tanks, and the cargo of spirits is contained in

pipes and demijohns, the number of which witness does not know. Thinks that the water-casks were not more than sufficient for containing the requisite supply for the crew. There are 20 tin mess-kits on board for the use of the crew. There is one large iron boiler; to the best of witness's knowledge and belief it was on board for the use of slaves, who were to form the return cargo. There are three bags of rice, one barrel of beans, and half a barrel of flour, for the consumption of the crew."

The evidence of the seaman was confirmatory of that of the preceding witness, as regarded the fact of the mate, Don Francisco, being in reality the master of the vessel, and Valentin Cadieres merely the captain of the flag; it also corroborated the boatswain's testimony as to the illegal equipment of the "*Numantina;*" in other respects it afforded little or no information.

The surveyors reported on the 7th that they had found an after-scuttle and two sleeping-berths on deck, not usual or necessary in a lawful trader.

The coamings of the fore and main hatchways bored, and 15 iron bars adapted for forming gratings over them.

Four ventilating holes cut in the deck, fitted with iron gratings, and measuring 5 feet 5 inches in length, by 20 inches in breadth.

A slave-deck laid fore and aft.

An iron cabouse, fitted with a large slave-boiler.

45 mess-tins, 58 tin drinking-cups, and 500 wooden spoons, such as are usually found in slave-vessels.

A quantity of firewood, more than sufficient for a vessel engaged in lawful commerce.

The quantity of water and water-casks they were unable to ascertain, owing to the slave-deck resting on the latter, and the hold being nearly full.

The petition for publication of the evidence was granted on the 6th, and the monition being returnable on the 12th, that day was appointed for the adjudication of the case, when, the Court having met, sentence of confiscation of vessel and cargo was pronounced.

(Signed) WALTER W. LEWIS.
M. L. MELVILLE.

No. 92.

The Earl of Aberdeen to Her Majesty's Commissioners.

GENTLEMEN, *Foreign Office, December* 31, 1841.

I HEREBY transmit to you, for your information, copies of two Despatches from Her Majesty's Commissioners at the Havana, giving an account of the Slave Trade at that place for the months of September and October, 1841.

I am, &c.
(Signed) ABERDEEN.

Her Majesty's Commissioners,
&c. &c. &c.

Enclosures in No. 92.

Havana Commissioners to Viscount Palmerston, October 18, *and November* 25, 1841.

(See No. 190 and No. 196.)

SIERRA LEONE. (*Portugal.*)

No. 93.

Her Majesty's Commissioners to Viscount Palmerston.

Sierra Leone, October 22, 1840.
(*Received January* 14, 1841.)

My Lord,

We beg leave respectfully to refer your Lordship to our Despatch of the 10th ultimo, respecting the ship's papers of certain Portuguese slave-vessels condemned at Sierra Leone in the years 1837 and 1838, and to acquaint your Lordship that the papers of the Portuguese vessels condemned subsequent to those years, which were reported in that Despatch to be in the course of preparation for transmission, have been since completed, and are herewith forwarded to your Lordship.

The papers now enclosed are of the schooner "*Violante*," schooner "*Gertrudes*," schooner "*Lavradora*," schooner "*Passos*," schooner "*Liberal*," schooner "*Casoalidade*," schooner "*Pomba d'Africa*," sloop "*Sedo ou tarde*," schooner "*Andorinha*," and the launch "*Vencedora*." These form the whole of the cases condemned in the year 1839 in the British and Portuguese Court of Mixed Commission in this colony, with the exception of the schooner "*Magdalena*," and the schooner "*Rozalia Habaneira*," the ships' papers of which two vessels we cannot hand to your Lordship, in consequence of the passports having been sent to the British Consul at the Cape Verds, as reported to your Lordship on the 31st December, 1839.

In the Despatch of the 11th June, 1839, reporting the condemnation of the schooner "*Liberal*," several of the papers found on board of that vessel were transmitted to your Lordship, which, with the ship's papers now forwarded, will place your Lordship in possession of every document of the slightest interest in that case.

The only vessel under the Portuguese flag seized and condemned with a cargo of slaves on board during the present year was the "*Olimpa*," reported in our Despatch of the 28th May last, the ship's papers of which are herewith enclosed.

The documents which we have now the honour of forwarding to your Lordship complete the cases of Portuguese vessels condemned with cargoes of slaves by the British and Portuguese Mixed Commission Court of this colony, between the 10th of December, 1836, and the present date. We propose to await your Lordship's instructions respecting the transmission of the papers of vessels seized under the flag and pass of Portugal, which have been condemned in the British and Brazilian, or British and Spanish Mixed Courts, on the ground of their not having *bonâ fide* a Portuguese national character.

We have, &c.
(Signed) R. DOHERTY.
WALTER W. LEWIS.

The Right Hon. Viscount Palmerston, G.C.B.,
&c. &c. &c.

No. 94.

Viscount Palmerston to Her Majesty's Commissioners.

GENTLEMEN, *Foreign Office, January* 15, 1841.

I HEREWITH transmit to you, for your information, a copy of a Despatch and of its Enclosure from Her Majesty's Commissioners at Rio de Janeiro, containing a notice which has been issued from the Consulate-office of Portugal at Rio respecting the legalization of ships' papers at that office.

I am, &c.
(Signed) PALMERSTON.

Her Majesty's Commissioners, &c. &c. &c.

Enclosure in No. 94.

Rio Commissioners to Viscount Palmerston, October 13, 1840.

(See No. 203).

No. 95.

Her Majesty's Commissioners to Viscount Palmerston.

Sierra Leone, December 1, 1840.
(*Received March* 8, 1841.)

MY LORD,

WE have the honour of reporting to your Lordship, that on the 22nd ultimo we received from Her Majesty's Consul at the Cape Verd Islands two Despatches, bearing date respectively the 1st of July and the 11th of September last; the former acquainting us that Mr. Rendall had communicated to the Governor of the Cape Verds the contents of the Despatch on the subject of Portuguese passports issued at those islands, addressed to him by Her Majesty's Commissioners on the 31st of December, 1839; and the other, furnishing us with general information respecting the Slave Trade at the Cape Verds and in their neighbourhood.

From the latter communication of Mr. Rendall we extracted those particulars which we thought might be useful to the squadron, and handed them to the commander of the "Wanderer," the senior naval officer on this part of the coast.

In this letter to Commander Denman we were particular in requesting his attention to Mr. Consul Rendall's statement of a Slave Trade being carried on at present on this coast between the French settlements of Gorée and Senegal, and his suspicions that the vessels concerned in the Slave Trade were disposed to commit acts of piracy during the time they waited on the coast for the collection of their human cargoes.

We have, &c.
(Signed) R. DOHERTY.
WALTER W. LEWIS.

The Right Hon. Viscount Palmerston, G.C.B., &c. &c. &c.

No. 96.

Her Majesty's Commissioners to Mr. Backhouse.

Sierra Leone, December 31, 1840.

SIR, (*Received April* 13, 1841.)

WE have the honour to acquaint you that no vessel has been adjudicated

in the British and Portuguese Court of Mixed Commission during the last half-year.

We have, &c.

(Signed) JOHN JEREMIE.
WALTER W. LEWIS.

John Backhouse, Esq.
&c. &c. &c.

No. 97.

Her Majesty's Commissioners to Viscount Palmerston.

Sierra Leone, December 31, 1840.
(*Received April* 13, 1841.)

My Lord,

We have the honour to enclose an Abstract of the proceedings in the British and Portuguese Court of Mixed Commission established in this colony during the past year.

During that period only one vessel has been adjudicated and condemned, and from which 370 slaves were emancipated.

We have, &c.

(Signed) JOHN JEREMIE.
WALTER W. LEWIS.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

Enclosure in No. 97.

Abstract of the Proceedings during the Year 1840, *in the British and Portuguese Court of Mixed Commission, established at Sierra Leone for the repression of the Slave Trade.*

Sierra Leone, December 31, 1840.

The Portuguese schooner "*Olimpa*," José Pereira, master, was captured in the Bight of Benin on the 18th of April, 1840, with 380 slaves on board, by Her Majesty's brigantine "Lynx," Lieutenant Commander Broadhead, and sent to this colony for adjudication, where she arrived on the 18th of May, 1840.

The usual proceedings in prosecution of this vessel before the British and Portuguese Mixed Commission, for having been found with slaves on board, were commenced on the 18th of May, 1840.

From the ship's papers and evidence received in this case, it appeared that the "*Olimpa*" was completely fitted for the Slave Trade in February, 1840, at the Havana, and cleared out at the Custom-house of that port for a voyage to St. Thomas's on the Line. She, however, went direct to Lagos and embarked a cargo of slaves.

The owner of the vessel is stated in the passport, which bears date at the Cape Verd Islands on the 29th of December, 1835, to be Luiz Pereira de Mello.

On the 25th of May, 1840, the schooner "*Olimpa*" was declared to be confiscated, having been lawfully seized with 380 slaves on board; the survivors of whom, in number 370, were at the same time declared to be emancipated.

(Signed) JOHN JEREMIE.
WALTER W. LEWIS.

No. 98.

Her Majesty's Commissioners to Viscount Palmerston.

Sierra Leone, March 8, 1841.
(*Received May* 29.)

My Lord,

We have had the honour of receiving your Lordship's Despatch of the 15th January last, transmitting to us, for our information, a copy of a Despatch and of its enclosure from Her Majesty's Commissioners at Rio de Janeiro, containing a notice which had been issued from the Consulate of Portugal in that city, respecting the legalization of Portuguese ship's papers at that Consulate.

We have, &c.

(Signed) JOHN JEREMIE.
WALTER W. LEWIS.

The Right Hon. Viscount Palmerston, G.C.B.,
&c. &c. &c.

No. 99.

Her Majesty's Commissioners to Viscount Palmerston.

Sierra Leone, March 15, 1841.

(*Received May* 29.)

My Lord,

We beg leave to refer to our Despatch marked Brazil, of the 8th instant, reporting the condemnation of the Brazilian brigantine "*Nova Inveja*," and to acquaint your Lordship that, in one of the packages of gunpowder seized on board this vessel, there was accidentally discovered a parcel containing official papers, which were delivered up to the Registrar to the Commissions on the morning of the sale of this prize.

On the papers in question being translated, they appeared to consist of a passport and a series of muster-rolls for the Portuguese brigantine "*Pallas*."

The passport described the "*Pallas*" as being owned by José Antonio Affonço, and as being about to proceed from Rio de Janeiro to the Cape Verds, by the way of the Ports of Africa. It was dated at Rio de Janeiro on the 9th of February, 1839, and signed by the Portuguese Consul-General Moreira.

The endorsements upon this document showed that this vessel was at Angola on the 30th of March, 1839. That on the following 5th of August she cleared from Rio for Montevideo, and to return to the former port, between which places she appears to have been a regular trader from that time until September 1840, when she was at Montevideo, and again cleared out for Rio de Janeiro, being her fifth voyage between those ports during the period in question.

The Portuguese Vice-Consul Moniz at Rio states, that his last endorsement on the passport of the "*Pallas*" on the 14th of July, 1840, has been granted in consequence of his "not having at that time received any instructions from Her Most Faithful Majesty's Government as to the mode in which vessels are to be furnished with the documents as required by law."

The file of muster-rolls agreed with the passport in every way, except as o the last voyage from Rio to Montevideo, for which there was no such document. There was, however, a muster-roll for the return voyage from Montevideo, dated in that port on the 19th of September, 1840.

What may have been the fate of the brigantine "*Pallas*" it is not possible to learn at present; the object with which her papers were brought to this coast in the "*Nova Inveja*" is, however, by no means doubtful, as it is evident they must have been to supply any vessel engaged in the Slave Trade which might need Portuguese ship's papers.

The reason that the papers in question were so carefully stowed away was of course to avoid the liability to seizure, which the parties concerned in the "*Nova Inveja*" knew would attach to that vessel being found with two sets of ship's papers on board in the event of a visit from a British cruiser.

In our Despatch marked Spain, of the 5th of February last, we had the honour of reporting to your Lordship that it was the boast of the crews of slavers condemned here, that the Portuguese papers under which their vessels sailed were generally fictitious, and we then instanced the case of the "*San Paulo de Loando*." We would now beg to add a reference to the Despatch marked Spain, of the 26th of October, 1840, as affording another instance of the system of supplying false ship's papers to slave vessels.

We have, &c.

(Signed) JOHN JEREMIE.
WALTER W. LEWIS.

The Right Hon. Viscount Palmerston, G.C.B.,
&c. &c. &c.

No. 100.

Viscount Palmerston to Her Majesty's Commissioners.

GENTLEMEN, *Foreign Office, August* 11, 1841.

WITH reference to your Despatch, marked Spain, of the 5th of February, 1841, transmitting your report of the case of the "*San Paulo de Loando,*" condemned in the Mixed British and Spanish Court at Sierra Leone, I herewith transmit to you, for your information, a copy of a Despatch which I addressed to Her Majesty's Envoy at Lisbon, respecting the papers of that vessel, together with a copy of the answer which I have received thereto.

I am, &c.

Her Majesty's Commissioners, (Signed) PALMERSTON.
&c. &c. &c.

Enclosures in No. 100.

Viscount Palmerston to Lord Ho u a Walden, May 12, 1841.

Lord Howard de Walden to Viscount Palmerston, July 23, 1841.

(See Class B.)

No. 101.

Her Majesty's Commissioners to Mr. Backhouse.

Sierra Leone, June 30, 1841.

SIR, (*Received September* 20.)

WE have the honour to acquaint you that no vessel has been adjudicated in the British and Portuguese Court of Mixed Commission, during the half-year ended this day.

We have, &c.

(Signed) WALTER W. LEWIS.
M. L. MELVILLE.

John Backhouse, Esq.
&c. &c. &c.

No. 102.

Her Majesty's Commissioners to Viscount Palmerston.

Sierra Leone, October 11, 1841.

MY LORD, (*Received December* 4.)

WE have had the honour to receive your Lordship's Despatch of the 11th of August last, transmitting to us, for our information, copy of a Despatch addressed by your Lordship to Her Majesty's Envoy at Lisbon respecting the papers of the condemned slaver "*San Paulo de Loando,*" as also a copy of the reply which your Lordship had received from Lord Howard de Walden.

We beg leave to thank your Lordship for this communication.

We have, &c.

(Signed) WALTER W. LEWIS.
M. L. MELVILLE.

The Right Hon. Viscount Palmerston, G.C.B.,
&c. &c. &c.

No. 103.

The Earl of Aberdeen to Her Majesty's Commissioners.

GENTLEMEN, *Foreign Office, December* 15, 1841.

WITH reference to the several representations which you have from time to time made upon the subject of the conduct of Mr. Pluma, the Tuscan Consul at the Havana, in granting papers to slave-vessels, I herewith transmit to you, for your information and guidance, a copy of a Despatch and of its Enclosures from Her Majesty's Envoy at Lisbon, stating that the Portuguese Government has declared formally, that consular documents furnished by Mr. Pluma to Portuguese vessels shall have no effect or validity as evidence of the nationality of the vessels to which they may be granted.

I am, &c.

Her Majesty's Commissioners, &c. &c. &c. (Signed) ABERDEEN.

Enclosure in No. 103.

Lord Howard de Walden to Viscount Palmerston, November 13, 1841.

(See Class B.)

SIERRA LEONE. (*Netherlands.*)

No. 104.

Her Majesty's Commissioners to Mr. Backhouse.

Sierra Leone, Dec. 31, 1840.
(*Received April* 13, 1841.)

SIR,

WE have the honour to acquaint you that no vessel has been adjudicated in the British and Netherlands Mixed Court of Justice, during the last half year.

We have, &c.
(Signed) JOHN JEREMIE.
WALTER W. LEWIS.

John Backhouse, Esq.
&c. &c. &c.

No. 105.

Her Majesty's Commissioners to Mr. Backhouse.

Sierra Leone, June 30, 1841.
(*Received September* 20.)

SIR,

WE have the honour to acquaint you that no vessel has been adjudicated in the British and Netherlands Mixed Court of Justice, during the half-year ending this day.

We have, &c.
(Signed) WALTER W. LEWIS.
M. L. MELVILLE.

John Backhouse, Esq.
&c. &c. &c.

SIERRA LEONE. *(Brazil).*

No. 106.

Her Majesty's Commissioners to Viscount Palmerston.

(Extract.) *Sierra Leone, October* 6, 1840.
(*Received January* 14, 1841.)

We have the honour to inform your Lordship that Commander E. H. Butterfield, of Her Majesty's sloop "Fantôme," seized off the mouth of the river Congo, on the 29th of August, 1840, the Brazilian brigantine "*Claudina*," A. F. C. Vasconcellos, master, on the ground of her being concerned in the Slave Trade. At the time of the seizure of the "*Claudina*" her master declared her to be proceeding on a voyage from Rio de Janeiro to the Azores, to convey thence emigrants to Rio, with leave to call on the outward voyage at Cabinda, the notorious slaving port to the southward of the equator.

The detained vessel reached this colony on the 17th of September, and immediate measures were taken for her prosecution on the above-mentioned charge before the British and Brazilian Court of Mixed Commission, which terminated in a sentence of confiscation of the vessel and her cargo on the 1st of October instant.

Our report of this case is herewith transmitted to your Lordship.

From this report your Lordship will perceive that the principal official papers for the voyage in which this Brazilian vessel was detained, were furnished by the Portuguese Vice-Consul at Rio de Janeiro, Senor Francisco Joaõ Moniz; and that two of those papers, both dated the same day, give opposite destinations for the vessel.

The "*Claudina*" brought up to this colony forty-three negroes, whom Commander Butterfield had seized off the river Congo, on board of three boats, the crews of which deserted them on the approach of the captors. As these negroes could not, under the peculiar circumstances attending their seizure, be emancipated by any of the Courts in this Colony, the Proctor for the seizor applied to the Governor to receive them; and they were accordingly at once placed in the care of the Liberated African Department.

(Extract.) Enclosure in No. 106.

Report of the Case of the Brazilian Brigantine "Claudina," *Agostinho Fernandes Catanho de Vasconcellos, Master.*

Sierra Leone, October 6, 1840.

The "*Claudina*" was provided with an Imperial Brazilian passport, dated at Rio de Janeiro the 22nd of July, 1840, describing the above-mentioned Vasconcellos as the master, and Lourenço Antonio Pinto, filho, as the proprietor of the said vessel. This document, and a bill of health dated on the same day, with a paper stating the vessel's destination, &c., apparently a sort of fort-pass, were all the Brazilian official papers which this vessel carried, the rest of her documents having been granted by the Portuguese Consul at Rio de Janeiro.

Of Portuguese official papers, the "*Claudina*" had as follows:—

1. Muster-roll, No. 79, dated Rio de Janeiro the 22nd July last, stating that this vessel was to be navigated by 15 persons, on a voyage "to the Western Islands, by way of the West Coast of Africa." The master of the brigantine is declared to have proved himself to be a Brazilian subject, and a resident of Rio. The roll is stated to have been signed by the principal revenue officer of the port, but appears to have been prepared at and issued from the Portuguese Consulate.

2. The manifest of the cargo was signed by the master, and certified by the Portuguese Consul on the 22nd of July; and had attached to it, under the Consular seal, four bills of lading for the said cargo,

which papers showed that Manoel Ventura Teixara Pinto had shipped 25 pipes of aguardiente for Faustino José de Barros of St. Thomas's, and 10 sacks of rice, 60 of beans, and 120 of farinha, for José Francisco do Torre Brown, or Brum, of the Azores. Antonio Fernandes Coelho had embarked 10 packages of rum for José Pinheiro d'Andrada of St. Thomas's; and Manoel Pinto de Fonseca a cask of wine, one of peas, and one of sundries, for Francisco Antonio de Madeiros of St. Thomas's. The destination given the vessel in the manifest is the Azores, touching on the *Western* Coast of Africa, whilst the bills of lading explain the latter term to mean delivering cargo at St. Thomas's on the Line. On the same day, however, that the Portuguese Consul certified, under his hand and seal of office, this manifest, &c., he granted a paper (No. 3, hereunder transcribed) referring to the foregoing, in which he assigns a totally different route to the detained vessel.

3. "To the Officer in charge of the Custom-house at Benguela.

"Herewith are bills of lading, together with a manifest of the cargo which goes from hence in the Brazilian brigantine called the '*Claudina*,' whereof A. F. C. de Vasconcellos is master, which manifest leaves this place properly signed, and sealed with the seal of this Consulate.

"God protect, &c. Rio de Janeiro, this 22nd day of July, 1840.

(Signed) "FRANCISCO JOAO MONIZ, Vice-Consul."

The official certificate of admeasurement describes the vessel as of the burthen of 130 tons.

The log-books show that the "*Claudina*" left Rio de Janeiro on the 23rd of July last, and that she proceeded direct to Cabinda, off which she appears to have arrived on the 25th August following.

Lourenço Antonio Pinto, filho, in his instructions to the master of this vessel, dated at Rio the 22nd July, desires him to proceed to the Western Islands, first touching at Cabinda, to which place he is to go direct; and there, with as little delay as possible, discharge what cargo he has for that town, agreeably to the bill of lading (there was not any cargo for Cabinda according to the papers); and, after receiving the freight, depart at once for the Azores, delivering the enclosed document (hereunder transcribed) to José Francisco do Torre Brown, who was to supply as many colonists as the vessel could conveniently carry, and which persons were to be brought to Rio on account of the Society for Promoting Colonization.

The owner says, respecting the chance of delay at Cabinda, that if any should arise by which the master cannot "at once land the cargo, he is to put it overboard, especially the pipes (of spirits), with which the master is more likely to run some risks, as this is the nature of the agreement entered into here with the shippers of the said cargo, in consequence of the freight being so small that it does not in any way compensate for the delay which might otherwise have occurred." Then follows the expression of the writer's fears that delay at Cabinda might lead to impressions of his vessel and property being employed in "the illicit and abominable traffic in slaves;" and he strongly cautions the master against allowing, under any pretence, a slave being received on board of the brig.

The paper above-mentioned, as forming an enclosure in this letter of instructions, was as hereunder:—

"To the most illustrious and most excellent President for the Society for Colonization.

"This is to say that Lourenço Antonio Pinto Fonçeca, owner of the national brigantine '*Claudina*,' has engaged to allow his vessel to proceed to the Western Islands, for the purpose of bringing colonists from thence to this port—that is, such as are perfectly willing to come to this country; and as this expedition is undertaken with a view to carry into effect the object of the Society of which your Excellency is the President, it is hoped that you will give your assistance to, and grant facilities for the importation of, the said persons. We are already bound to acknowledge the many advantages this Society at present enjoys under your Excellency's superintendence, and which we are enabled to offer to these said persons immediately on their presenting themselves here.

(Signed) "E. R. Mce.

"The Directory cannot enter into any arrangements for the disposal of the colonists before their arrival, so that the people may have the opportunity of selecting whatever service they please, or what may hereafter be agreed upon as best suited to their qualifications.

"Dated at Rio de Janeiro this 22nd day of July, 1840.

(Signed) "J. S. PEREIRA."

M. Pereira appears to be the President of this Society.

The only other paper found on board the "*Claudina*," which it is necessary to notice, was a letter addressed by Manoel Pinto da Fonseca, of Rio de Janeiro, to the master of this vessel, jointly with his mate, Antonio Lopez da Costa Ricio, who was to act in the master's place if requisite. This letter states that Fonseca had shipped, for the Azores and Cabinda, certain goods which were to be there delivered respectively to Señor Brum, or Brown, and Señor Barras; and that bills of lading had been signed by the said master to this effect. The official manifest, with bills of lading attached thereto, shows that no such shipments had taken place on the part of Fonseca, that person's name being attached to one only of the four bills of lading, which was for a few trifles to be delivered at St. Thomas's to Señor Madeiras.

The "*Claudina*" arrived in this harbour on the 17th of September ultimo, and was immediately visited by the Marshal, who reported the circumstances of the prize's capture to the Mixed Court.

On the following morning the Surgeon to the Court visited this vessel to report upon the condition of 43 slaves, who, it appeared, had been conveyed hither in this vessel, and who were found to be generally in good health. The Surgeon, however, considered it advisable that they should not be longer kept on board the prize.

The papers of the detained vessel came before the British and Brazilian Court on the 18th ultimo, and were ordered to be filed, after they had been properly authenticated, together with the declaration of the capturing officer. The usual monition was then issued, and the examination of the witnesses in preparatory, the master of the detained vessel, and Jozé Bruno, his cook, was directed to take place on the 21st ultimo.

From the petition of the captor's proctor, and the affidavit of seizure, the Court learned that the 43 slaves brought to the colony in the detained brig had been placed on board for passage hither by the seizor after her capture, the said slaves having been seized by him off the mouth of the river Congo whilst on their way to Cabinda in three boats, the crews of which abandoned them, and fled to the shore, leaving many of the said slaves shackled together. As these slaves could form no part of this case, and could not be prosecuted in any of the Courts of the colony, the proctor stated his intention

of applying to the Colonial Government to receive them, which was accordingly done, and they are now enjoying all the benefits of freedom.

The declaration of Commander Edward Harris Butterfield, of Her Majesty's sloop "Fantôme," stated that, "on the 29th day of August, 1840, being off the mouth of the river Congo, he detained the brigantine '*Claudina*,' sailing under Brazilian colours, armed with two guns (six-pounders), commanded by Agostinho Fernandes Catanho de Vasconcellos, who declared her to be bound from Rio de Janeiro to Fayal, with a crew consisting of 13 men, whose names, as declared by them respectively, are inserted in a list at foot hereof, and being fitted for the slave-trade, viz.:—

"Having an unusual quantity of water; a quantity of fire-wood and farinha, and boilers much larger than are generally found in merchant vessels in legal trade."

The master of this vessel deposed, in replying to the standing interrogatories, Thát "he was born at Pernambuco, in Brazils. Has lived, during 12 years, at Rio de Janeiro. Is a subject of Brazil, and has never been subject of any other state since the independence of that empire, before which time he was a subject of Portugal. Is not married. He was appointed to the command, and had possession given to him, at Rio de Janeiro, during the month of June last, by Manoel Pinto de Fonseca, a subject of Brazil, residing in that town. First saw the vessel there and then: she was built in North America. He was present at the capture, which took place in consequence of the number of water-casks on board. The vessel sailed under Brazilian colours; and there were besides a Portuguese and an United States' flag on board, not intended for any particular use, and merely there because they had been purchased with the vessel. The vessel is called the '*Claudina*.' Never heard of her having borne any other name. She is of 130 tons burthen. There were 13 officers and mariners, exclusive of witness; two-thirds of them Brazilians, and one-third Portuguese—all hired and shipped at Rio Janeiro, during the month of June last, by the boatswain. Neither he nor any of the officers or mariners had any interest in the vessel or her lading. Was master on board. There were no passengers. The voyage began and was to end at Rio Janeiro, which was the last port of clearance. The vessel touched at Cabinda, and discharged 30 pipes of aguadente, 30 bags of beans, 20 of farinha, and other cargo; and she touched nowhere else during the voyage. While the brigantine was at anchor at this place, on the 27th ultimo, a boat from the capturing ship was seen at six o'clock in the morning: capture took place immediately. The course prescribed by the papers—which was that of the coast, St. Thomas's, and the Azores—was always adhered to when the weather would permit. Two guns, four-pounders each, are mounted on board; and there were three cutlasses, six muskets, one pistol, and a keg of ammunition. Found these arms on board, and does not know for what they were intended. No resistance was made to capture; nor were there any instructions for resisting or avoiding capture, or for destroying or concealing the vessel's papers. The owner of the vessel was one Fonseca, filho, or Fonseca junior, a Brazilian residing at Rio Janeiro. Does not know if he be married, or how long he has resided there. Knows nothing of a bill of sale, the price or transfer of the vessel. The owners and laders of the cargo were a variety of persons (four) residing at Rio, whose names witness does not recollect, except that of Fonseca, who was one of them. Fonseca was also consignee at Rio, and a person named Brown at the Azores. He knows nothing of the lading on the last voyage. The cargo on the present consisted of aguadente, farinha, salt fish, beans, rice, and wine. After capture, the vessel was carried to Cape Padron, at the mouth of the river Congo, and from thence brought direct to Sierra Leone. The passports and other papers were and are all entirely true and fair. None of the papers were destroyed, concealed, or made away with. At Cabinda he left on shore, with other letters for different individuals, a letter of credit to Faustin, a Portuguese or Brazilian, from whom he was to receive freight. There was no charter party. He thinks, but is not certain, that the vessel is insured; does not believe the goods are. With respect to her employment in trade, the vessel was under the management of witness. Bulk was broken at Cabinda, and nowhere else during the voyage. No slave has been put or received on board, for the purpose of the traffic in slaves, during the voyage."

On the subject of equipment the master swore, that "the hatches are not fitted with open gratings; the combings of the hatchways are not pierced or otherwise fitted to receive iron bolts or bars, none of which are on board; there are two bulk-heads, those of the cabin and forecastle, and there are no bunks or sleeping-berths on deck; there are no spare planks on board; no part of a second deck is laid; there are no shackles, bolts, or handcuffs on board; there are leaguers and casks on board capable of receiving 36 pipes of water in all, and they contained 14 pipes of fresh water at the time of capture, and were intended to carry water for emigrants from the Azores, who were to proceed in the vessel to Rio Janeiro; there were no tanks or staves; there were three or four mess kits for the use of the crew; there were no copper or iron boilers; there were 10 bags of rice, 30 of beans, and 100 of farinha. These were cargo, but they were to be retained as provisions for the emigrants at the option of the consignee at the Azores. There were besides 1 bag of rice, 3 of Indian corn, and 1 barrel of flour, for the use of the ship's company."

Jozé Bruno, the cook of the detained brig, stated at his examination that he was ignorant of the names of the owners of this vessel or her cargo, of the cause of her detention, and generally of the affairs of the vessel or the nature of the voyage in which she had been seized. He, however, confirmed the master's statements that the voyage began and was to end at Rio de Janeiro, and that cargo had been landed at Cabinda, whither she had gone direct.

Publication passed in the cause on the 22nd ultimo.

On the 24th ultimo the sworn report of the survey of the equipment of this vessel, which had been made at the instance of the captor's proctor, was received, and contained the following evidence. The surveyors found that this vessel had "close hatches such as are usual in merchant vessels; one bulk-head, dividing the cabin from the hold, and a wooden railing separating the hold from the forecastle, which divisions are not more than are necessary for the vessel as a lawful trader, and no bunks or sleeping berths on deck; no spare planks or slave deck; no shackles, bolts, or handcuffs; a tier of leaguers laid fore and aft, of which the surveyors counted 36, which number alone would be capable of holding about 5500 gallons of water, a quantity far greater than is necessary for the consumption of the crew of the vessel as a merchant vessel. The actual quantity of water on board they were unable to ascertain. No mess-tubs or kids on board; a very large cabouse fitted to receive a boiler capable of holding about 60 gallons, with places made for the reception of five other small boilers. There was no false back, and no boilers were found. A puncheon of jerked beef, about 80 bags of farinha, and a quantity of calavances and rice strewed about the hold, formed an amount of provisions more than requisite for the use of the crew."

The monition issued on the 18th was returned on the 26th ultimo certified to have been properly executed; and on the 28th, a petition for a day of trial having been presented, the 1st instant was named for that purpose, and the Court accordingly assembled on that day.

In giving judgment the Court, after remarking on the peculiarity of this national vessel clearing from the capital of the empire with her principal official papers for the voyage furnished by a foreign consul resident there, proceeded to the examination of the evidence in support of the charge of the vessel having violated the provisions of the treaty between Great Britain and Brazil respecting the Slave Trade.

It appeared to have been clearly established by the evidence that this vessel was equipped with a great number of water-casks and a large boiler, which the witnesses declared were intended for the use of emigrants, who were to have been conveyed from the Azores to Rio de Janeiro.

The voyage to the Azores was to be made, according to some of the vessel's papers and the letters found on board, by way of the western coast of Africa; and with this assigned route she proceeded direct to Cabinda, in 6° south latitude, one of the most notorious slaving ports on the Coast of Africa, and there discharged a part of the cargo shipped for the Azores, according to the manifest and bills of lading. No part of the cargo had been embarked for Cabinda, notwithstanding which the ostensible owner of the vessel had written very full instructions respecting the landing of the goods at Cabinda, evidently to cloak the real object of the vessel's visit to that port.

The owner of the vessel, who professes in his instructions for the voyage to have a proper detestation of the Slave Trade, directs the greatest exertions to ensure dispatch in landing cargo at Cabinda, lest a suspicion should be caused of his vessel being concerned in the Slave Trade; and yet he avowedly runs the risk he desires to avoid by carrying merchandise to Cabinda, the freight of which he declares will not properly remunerate him.

The ship's papers and the evidence in the case established the following contradictions:—the cargo on board the brigantine was shipped for St. Thomas's and the Azores, according to the manifest and bills of lading; but, according to another and the latest official paper, it was destined entirely for Benguela. The instructions to the master described a portion of the cargo as intended for Cabinda, while the evidence of the master proved that what was actually landed at Cabinda formed part of the shipment for the Azores.

The master swore the owner of the brigantine had embarked part of the cargo, a statement which the papers plainly disproved. The witnesses proved that the vessel went direct to Cabinda, where, according to the ship's papers, she had no business, instead of St. Thomas's, where a large portion of the cargo was deliverable. Taking all these circumstances into consideration, together with the fact of its being the present practice to observe as much concealment as possible in carrying on the Brazilian Slave Trade, the Court declared its opinion that the alleged voyage to Azores for emigrants was a mere invention, there not being even a note on board for the person represented to be the consignee at that port, and whose duties would have been so important. The impression of the Court was, that the "*Claudina*" was to carry a cargo of slaves from one of the ports to the southward of the equator, and that the visit to Cabinda was proposed as an excuse for any British cruiser who might find her in the position she was met with. The charge of this vessel having been concerned at the time of seizure in the prohibited Slave Trade the Court therefore pronounced to have been proved, and declared the confiscation of the "*Claudina*" and her cargo.

(Signed) R. DOHERTY.
WALTER W. LEWIS.

(Extract.) No. 107.

Her Majesty's Commissioners to Viscount Palmerston.

Sierra Leone, November 19, 1840.

(*Received March* 8, 1841.)

WE have the honour to acquaint your Lordship, that on the 11th ultimo Her Majesty's sloop "Fantôme," Commander E. H. Butterfield, detained, in latitude 11° 40′ south, and longitude 5° 20′ east, the Brazilian brig "*Onze de Novembro,*" Jozé Antonio Carvalho, master, in an ostensible voyage from Rio de Janeiro to the island of St. Thomas, on the equator, but actually proceeding direct to St. Paul de Loando.

The detained vessel was sent to this colony for prosecution before the British and Brazilian Mixed Commission, on a charge of being concerned in the Slave Trade; and, that charge having been clearly made out, she was pronounced to be a good and lawful prize by the said Court on the 11th of November instant.

Our report of this case we beg leave herewith to enclose.

This vessel was owned by Caetano Jozé Sanches de Lima, a resident of Rio de Janeiro; and the master of her described himself as a lieutenant of the Imperial Navy of Brazil.

Enclosure in No. 107.

Report of the Case of the Brazilian Brig "Onze de Novembro," *Jozé Antonio de Carvalho, Master.*

Sierra Leone, November 19, 1840.

THE following papers were found on board of this vessel at the time of her detention:—

1. Imperial passport dated Rio de Janeiro, 14th September, 1840, which describes this vessel to be

owned by Caetano Jozé Sanches de Lima, a Brazilian subject, and bound on a voyage to St. Thomas's and the ports of Africa, under the command of Jozé Antonio de Carvalho.

2. Muster-roll, dated September 14, 1840, states this vessel to have had 20 persons on board as a crew for the voyage above-mentioned. The Portuguese Vice-Consul Moniz has certified to this document having been signed by the proper Brazilian authorities.

3. Manifest of the cargo embarked in this vessel at Rio de Janeiro, and consigned according to the bills of lading to persons residing in St. Thomas's. A large portion of this cargo was composed of articles of slave provisions, there being on board no less than 200 bags of beans, and 44 cwt. of jerked beef. The remainder of the cargo was well assorted for the purchase of slaves, consisting of a large quantity of spirits, arms, ammunition, and bale goods. The following list contains the names of the parties concerned in this cargo.

Shippers.	*Consignees.*
Benito Rodrigues.	Pascoal Antonio.
Leocadia Maria Roza.	Francisco Ferreira.
José Pinto da Costa.	Himself.
Bartholoméo de Pilar Rede.	José da Gloria Machado.
Crispini Bonifacio.	André Bitancourt.
José Severino da Silva.	Chrisostimo Mamedi.
José Cosme Martins.	Manoel da Annunciação.
José Martins de Carvalho Guimaraens.	Luiz Ferro Dias.
José Antonio Lopes.	Manoel Mendes Partricio da Silva.
Joao Severino da Silva.	Bazilio Brandao and Jozé Cosmé.
José de Morias Sarmento, and Joaquim Pedroza.	Themselves.
Ambrosio Joaquim da Silva.	José Pereira Pacheco.
Antonio Fernandes Coelho.	José Pinheiro da Andrade.
Antonio Ferreira Coelho.	Francisco Franque.
Manoel José dos Santos, and José Bernardino de Sá.	Jacinto Pereira Carniero.

The following manifest was signed by the master of the vessel, and certified by the Portuguese Vice-Consul on September 14th, 1840, to have been authenticated by the master's declaration, which had been made before him.

4. A second manifest, containing only a list of the total quantity of each description of goods on board, dated 14th September, 1840, signed by the master, and certified by the Portuguese Vice-Consul. This manifest was addressed officially to the officer of the Customs at St. Thomas's by the Consul.

5 and 6. Bills of health and receipt for port dues at Rio de Janeiro.

7. Bill of sale of the vessel. From this document it would appear that the "*Onze de Novembro*" was originally under the flag of Uruguay, with the name of "*Conservador*;" that on the 22nd of June, 1840, Jozé Antonio Figueredo, junior, as the agent of Joaquim Gonçalves Ferreira, sold her to Gregorio Aguirre, who disposed of her, on the 20th of August following, to the owner named in the imperial passport.

The foregoing formed the official papers of the vessel for the present voyage, with the exception of a personal passport for Joaõ Antonio Soares, a Portuguese subject, who was proceeding to the Zaire.

The log-book of the vessel shows that she quitted Rio de Janeiro on the 18th of September, and had nearly reached, by a direct course, the port of Loando on the 11th of October last.

Of the remaining papers seized in this vessel it will be only necessary to allude to the owner's instructions for the voyage; to two letters from him to the consignees of the vessel at St. Thomas's and Angola; and to the fact of there having been found on board a packet of Rio newspapers addressed to the well-known Luis Antonio de Carvalho e Castro, at Loando, who was, in all probability, closely connected with the adventure of the brig; otherwise she would not have been found proceeding with all haste to the port of his residence, in preference to observing her official destination.

The instructions from the owner of the brig to her master, dated Rio de Janeiro, 15th September, 1840, desire him to proceed direct to the island of St. Thomas's, where he is consigned to Jacintho Pereira Cazemiro, for whom the writer encloses a letter, and who is to despatch the brig from that island to Angola, in which port Valeriano Ramos de Fonseca is to be the consignee of the vessel. After general directions respecting the wages of the crew and the management of the vessel, the owner observes that the agreement with the freighters of the cargo for St. Thomas's is, that they should supply a full cargo for the vessel from St. Thomas's to Angola, after which she is to return to Rio; and he then adds that "it must be understood that the said goods" (the cargo from St. Thomas's to Angola) "shall be fit and proper for this" (the Rio) "market; and that he" (the master) "is not to receive on board any other (cargo) on any pretence whatever, or persons as part of the crew being slaves," the Slave Trade being prohibited.

Such ambiguous and somewhat contradictory orders would not, we think, have been written by any owner whose vessel was going on a regular and lawful voyage; for the very fact of desiring the master to receive only such goods as may be adapted to a particular market, when those goods are to be shipped by persons over whom the master cannot possibly exercise control, and who are to pay freight for the same, warrants the conclusion that the instructions are fictitious.

The communication from the owner to Cazemiro (enclosed in the foregoing) related entirely to the affairs of the vessel and her voyage, and showed that she was to go direct from Rio to St. Thomas's.

The letter from the owner of the vessel to her consignee at Angola, V. R. da Fonseca, requested him to do all that was requisite for the vessel at that port, in the way of advancing money, &c., as well as in dispatching her thence to Rio. To this person the owner observed that he hoped he would "not on any account allow any one engaged in the brig to put slaves on board, since it was a trade most strictly prohibited in Brazil, and he did not wish his vessel thus to be compromised."

On the 1st instant the detained vessel arrived in this port, and on the following morning the circumstances connected with her seizure were reported to the Court by the Marshal.

Proceedings in prosecution of this vessel commenced before the British and Brazilian Mixed Commission Court on the 3rd instant, when the ship's papers, properly authenticated by the prize-officer's

affidavit, were, together with the seizor's declaration, filed; the usual monition issued, and the witnesses ordered for examination by the registrar on the standing and special interrogatories.

The declaration of Commander Butterfield, of Her Majesty's sloop "Fantôme," sets forth that on the 11th of October, 1840, being in or about 11° 40′ south latitude, and 5° 20′ east longitude, he had detained the brig "*Onze de Novembro*," sailing under Brazilian colours, commanded by Jozé Antonio de Carvalho, who stated that she was bound from Rio de Janeiro to Loando and St. Thomas's; and that he had so detained her on account of her having a slave-deck laid from the mainmast aft, for having a greater number of water-casks and a larger quantity of farinha and beans than were requisite for the use of the crew of the vessel.

The master, at his examination on the 4th instant, deposed as follows:—That "he was born in Oporto; has lived during 28 years in Rio Janeiro. Is a subject of Brazil, and has been so since its independence, previous to which he was a subject of Portugal. Is married, and his wife lives at Oporto; his children with himself at Rio. He was appointed to the command and had possession given to him at Rio Janeiro in September last, by Don Caetano de tal Sanches, a subject of Brazil, residing at that place. First saw the vessel there and then; does not know where she was built. He was present at the capture; does not know why it took place. The vessel sailed under Brazilian colours, and there were besides a Portuguese ensign on board, and a flag marked with stars, but not American, both of them intended to be used as private signals. The vessel is called '*Onze de Novembro;*' never heard of her bearing any other name. Thinks she is about 206 tons burthen, but is not certain. There were 17 officers and mariners exclusive of witness, all Brazilians, hired and shipped at Rio de Janeiro by a former master; witness does not know at what time. Neither he nor any of the officers or mariners had any interest in the vessel or her lading, except the mate and a seaman who were interested in the cargo to the extent of a few articles. Was master on board. There were two cabin passengers, one named Luis, a Brazilian, and the other a Portuguese, whose name is unknown to witness; both taken on board at Rio Janeiro when the vessel sailed from thence, and destined, Luis to St. Thomas's, and the Portuguese to Angola; but witness does not know in either case on what business nor what was the profession of either; neither of them had any interest or authority in or over the vessel or her lading. The voyage began and was to end at Rio Janeiro, which was the last clearing port. The vessel had touched nowhere during the voyage. The capturing ship was first seen in latitude 11° 46′ or 56′ south, and longitude 6° east of the meridian of Greenwich, on the 11th of the month ultimo, at 3 o'clock in the evening. Capture took place within two hours. The vessel was steering for San Paolo de Loando at the time; the course was not altered nor any additional sail made. The course prescribed by the papers was for St. Thomas's and the Coast; but witness found it would be more convenient to proceed to the Coast first, and deliver his letters and arrange for his cargo. No guns are mounted on board. Thinks there was one cutlass, but there were no other arms nor any ammunition. There were no instructions for endeavouring to avoid capture or for destroying or withholding the vessel's papers. Caetano de tal Sanches, from whom witness received command and possession, was sole owner of the vessel; does not know if he be married; he was born in Rio Janeiro. A bill of sale was made in favour of this owner; but witness does not know by whom, when, or in whose presence. Last saw this instrument among the other papers at Rio Janeiro. Does not know what was the price, or if it be paid, or if the transfer was a true one. A previous master, in whose stead witness was appointed in consequence of his indisposition, was the lader of the cargo. Does not know who were its owners or consignees at Rio Janeiro. The consignee at Loando was one Valeriano Ramos de Fonçeca, and at St. Thomas's a person named Jacintho (Pereira Cazemiro). He knows nothing of the lading of the last voyage. The present cargo consists of dry goods, aguardiente, jerked beef, beans, farinha, muskets, and gunpowder. After capture the vessel was brought direct to Sierra Leone. The passports and other papers were and are all true and fair; none of the papers were destroyed, concealed, or made away with. There are no writings relating to vessel or cargo in any other country. There was no charter-party. He does not know if the vessel or goods were insured. The vessel with respect to her employment in trade was to be under the direction of the consignees at Loando and St. Thomas's. Bulk was nowhere broken during the voyage. The hatches are not fitted with open gratings. He does not know if the coamings of the hatchways be pierced or otherwise, because the hatches were shut down when he took charge, and have not been opened since; believes they are not. There are no bars on board fit for securing them. There are three bulk-heads, those of the cabin, store-room, and forecastle. There are four bunks or sleeping berths on deck. There are from a dozen to a dozen and a half of spare planks on board, for stowage of the cargo, not numbered or fitted to any part of the vessel, and the dimensions of which witness cannot state, never having seen them. No part of a second deck is laid. There are no shackles, bolts, or handcuffs on board. There are leaguers and casks on board capable of receiving 18 or 19 pipes of water in all—a quantity not more than sufficient for the consumption of the crew; and about one-half of this quantity of fresh water was contained in them at the time of capture. There are no tanks or staves. There were a few mess-tins for use of the crew; there were no large copper or iron boilers. There were 4 or 5 bags of rice, a few bags of farinha, and a few of beans, with 3 or 4 half-barrels of flour for the use of the crew. No Indian corn."

The testimony of Manoel de Souza d'Avellary, the mate of this vessel, was generally confirmatory of that of the master; but on some points connected with the papers of the vessel he professed to be ignorant. This witness contradicted the master on two points: first, by stating that the brig had not observed her destination mentioned in the official papers in consequence of the orders of the owner; whereas the master declared he had acted on his own authority in this respect; and, secondly, by stating that the provisions conveyed on board the capturing ship were so removed from the prize with the permission of the master.

The report of the Surveyors appointed to examine this vessel's equipment stated that there was one division in the hold more than was necessary for her as a lawful trader, in addition to having four extra sleeping berths on deck, such as are usual in slave-vessels. That there was a woman's slave-room formed by the extra division above alluded to, in which was a new-laid deck, upon which the height was only 38 inches. There were 4 leaguers and 13 other water-casks on board, together equal to containing 2600 gallons of water; a quantity which they considered was more than necessary for the use of the crew. And there were also four mess-kids more than the crew required, as well as a quantity of farinha in bulk, and some calavances.

This closed the proceedings in prosecution of the "*Onze de Novembro;*" and the monition issued in

the case on the 3rd having been returned into Court duly certified by the Marshal on the 10th instant, the following day was named for the trial of this vessel, when the Court, considering the illegal equipment for, and engagement in, a slaving voyage to have been plainly established, decreed the confiscation of this vessel and her cargo.

(Signed) R. DOHERTY.
WALTER W. LEWIS.

No. 108.

Her Majesty's Commissioners to Viscount Palmerston.

Sierra Leone, November 30, 1840.
(*Received March* 8, 1841.)

My Lord,

In our Despatch of the 19th instant we had the honour to inform your Lordship of the condemnation of the Brazilian brig "*Onze de Novembro,*" for having been concerned in the Slave Trade, and we now again refer to the case of that vessel in consequence of the late master of her having tendered his protest against the proceedings adopted in this instance, and the probability of complaint in some form reaching your Lordship; in the event of which your Lordship will have before you the grounds upon which objections have, up to the present moment, been taken by the master of this vessel, and our explanations thereon.

Accordingly we beg leave to enclose herewith a translation of the protest of the master of the said vessel, the original of which we did not of course allow to be filed in the British and Brazilian Mixed Commission Court, but returned to the master on the translation placing us in possession of the real nature of the document. In this paper your Lordship will find our remarks upon those complaints and objections of the master of this vessel to which we have had the means of replying, and which appeared to us of a character to call for explanation.

We have, &c.

(Signed) R. DOHERTY.
WALTER W. LEWIS.

The Right Hon. Viscount Palmerston, G.C.B.,
&c. &c. &c.

Enclosure in No. 108.

Substance of the Translation of a Protest addressed on the 6th of November, 1840, "*to the Commissioners of the Mixed Courts,*" *by the late master of the Brazilian brig* "Onze de Novembro," *José Antonio Carvalho, who had described himself as a Lieutenant in the Imperial Navy of Brazil, with the remarks of Her Majesty's Commissioners thereupon.*

Sierra Leone, November 19, 1840.

The protest, after setting forth correctly the place and time of capture by Her Majesty's sloop "Fantôme," and the determination of the said master to have justice done in the case, in the event of her being declared good prize by the British and Brazilian Mixed Court at Sierra Leone, by appealing in a legal form to Her Majesty's Government, assigns the following grounds of complaint and objection to seizure, prosecution, or condemnation of this vessel.

1. "That the Commander of the 'Fantôme' took possession of the lawful despatches of the Imperial Government, which were on board the '*Onze de Novembro,*' without finding any article of equipment which might indicate her engagement in contraband trade."

1. No despatches belonging to the Imperial Government of Brazil appear to have been found on board of this vessel. There were three letters given up by the master to Lieutenant Cooper, the boarding officer, and these formed the whole of the correspondence seized. Two of the letters in question were those described in the report of this case as the owner's letters to the brig's consignees at the Island of St. Thomas's and Angola. The third letter was an official one addressed to the chief officer of the Custom House at St. Thomas's by the Portuguese Vice-Consul at Rio, and is described as ship's paper, No. 4, in the report of this case.

2. "That at the time of seizure the British sailors smoked their pipes on board the brig, broke open casks, and otherwise injured his cargo, and conveyed several articles to the capturing ship, of which he has a correct list taken the same day."

2. Charges of this kind come badly from the master on the 6th of November, when on the previous 4th he had deliberately sworn, in answer to the standing interrogatory respecting the proceedings at the time of capture, that some twine

and provisions only had been removed. The provisions were, as appeared by the evidence in the case, taken with the consent of the master for the use of that part of the crew of the "*Onze de Novembro*" and her passenger, who were removed to the capturing ship to be landed on the African coast. This is a usual practice to avoid the expense of their maintenance falling upon the capturing ship. Whether in this instance more provisions than necessary for the purpose mentioned were taken, we are unable to form an opinion, as the captors give no account of such proceedings on their part. As to the charge of the "Fantôme's" crew having broken open casks, &c., the officers of the Court have reported to us that the only package of the cargo which was not landed here entire, was a small case of printed calico.

3. "That on the voyage to Sierra Leone he was deprived of his authority on board, and of the possession of his nautical instruments, books, and papers."

3. Nautical books and instruments, as well as charts, are always seized with the other equipment of the detained vessel, and sold for the profit of the two governments in the event of condemnation.

4. "That when the detained brig was entering the port of Sierra Leone, the prize-officer transhipped to Her Majesty's brig 'Rolla,' five of the prize crew for passage to Ascension, one of whom he desired to tell the Commander of the 'Fantôme,' that he (the prize-officer) was perfectly satisfied of the '*Onze de Novembro*' being a good prize."

5. "That the detained brig arrived here on the 1st, but the detained crew were not allowed to land until the 4th of November instant, and then not permitted to carry their luggage with them."

5. On the 4th of November the master and mate were brought on shore in charge of a petty officer of the prize crew to be examined by the Registrar, by whom they were necessarily detained at his office some hours, and previously to which examination it is the practice, and a very useful one in preventing fraud and imposition on the Court, not to allow the detained crew to have communication with the shore. Were the prize-officers more strict in enforcing this regulation greater advantages would result, and many depredations of stores and cargo be prevented.

6. "That after waiting some hours on shore the luggage of the detained crew was landed, when several articles of apparel were found to be missing, and their nautical instruments, books, &c."

6. See remarks on charges Nos. 3, 5, and 8. Respecting the missing articles of apparel the prize-officer explained in an affidavit of the 18th of November, that he had examined the trunks of the detained crew whilst they were absent on shore at the Mixed Commission Court-house, and that the Marshal of the Courts had very improperly deviated from his duty, and been a party to this highly irregular proceeding. The prize-officer further stated that he fastened up the luggage after its examination, and that shortly afterwards whilst he was engaged delivering over to the Marshal the detained vessel and her cargo the master's son and the cook came on board, and at their request the said luggage was delivered up to them for conveyance on shore. The prize-officer also swore that nothing could have been removed without his knowledge from the luggage of the detained crew, and that nothing was so removed to the best of his knowledge and belief.

As the Marshal had implicated himself in these proceedings by adopting a course of conduct directly at variance with his orders, and being unable to make a satisfactory refutation of this charge of loss, supported as it was by the oaths of the four parties concerned, he was called upon to arrange the matter with the complainants which he has accordingly done.

7. "That a vessel met at sea with proper papers, without an equipment to indicate an illegal voyage, should be thus hindered, it ought to be directed that all who have charge of a vessel under such circumstances should hold such vessel and property sacred, until a proper and competent

tribunal shall have taken cognizance and decided upon the evidence respecting such vessel, and not defraud, waste, and convey away articles which belong to her, though they may be able to pay for these deficiencies in the event of the said vessel not being condemned as a good prize, as until the evidence is decided upon she is but a detained vessel. The Commission, however, are not in the habit of listening to anything further than immediately that a vessel arrives at this anchorage sent in by an English Commander for adjudication, the said vessel is considered as being destined on a contraband voyage and a good prize, whether or not there is proof to this effect."

8. "That when the vessel arrived here there did not exist any visible cause to afford suspicion of her voyage, and the undersigned ought to have been allowed to apply for his discharge at once as the responsible person."

8. The detained crew were allowed to go at large on the 4th of November, the instant their examinations in chief had been completed by the Registrar. This is the invariable practice.

9. "That not finding here a Consul of his own nation to whom he could apply for redress and restoration of his vessel and cargo, and not having the pecuniary means to employ a person to defend the cause, he hereby adopts this mode of defence, and declares that this representation shall be considered of the same effect, and accordingly abandons the said vessel and cargo, and everything else belonging to her, leaving them hereafter to be reclaimed by those to whom they may belong."

10. "That lastly, from the utter destruction and violence offered to this brig, it would not appear difficult to surmise that the English Government will, by such measures, bring on an open war of destruction with the Brazilian Empire, which purpose cannot be hidden from the said Government, and before long they will be obliged to acknowledge it."

The original protest was written in the Portuguese language, and handed in at the Registry Office of the Mixed Commissions on the 7th November, 1840, by the said master. On the nature of this document being ascertained from the translation of it which was made, the original was returned to the said master, it being contrary to the practice of the several Mixed Courts in this colony to admit protests against their proceedings to appear among the records of the Courts.

(Signed) R. DOHERTY.
WALTER W. LEWIS.

No. 109.

Her Majesty's Commissioners to Viscount Palmerston.

Sierra Leone, November 30, 1840.

MY LORD, (*Received March* 8, 1841.)

IN this Despatch we have the honour to enclose our report of the case of the Brazilian schooner "*Gratidão,*" Joaquim Antonio Brandão, master, condemned for being unlawfully equipped for the Slave Trade, in contravention of the first article of the Brazilian Convention of 1826.

Destined, by her ship's papers, to Fayal in the Western Islands, this vessel nevertheless, on leaving Bahia on the 6th of September, sailed direct to the Bight of Benin, where Her Majesty's sloop "Wolverene," Commander William Tucker(*b*), seized her off Prampram.

The prosecution commenced on the 7th and ended on the 16th of November, 1840, when the captor's allegations of carrying illegal fittings having been fully established, as stated at length in our Report, the Court condemned the "*Gratidão*" and her cargo.

We have, &c.
(Signed) R. DOHERTY.
WALTER W. LEWIS.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

Enclosure in No. 109.

Report of the Case of the Brazilian Schooner "Gratidão," *Joaquim Antonio Brandão, Master.*

Sierra Leone, November 30th, 1840.

THE "*Gratidão,*" at the time of her seizure, was found sailing with the under-mentioned Official Papers on board:—

1. Imperial Passport, dated Bahia, 4th March, 1840, which described this vessel to be owned by Bernardino Barbosa Pereira Lisboa, a resident of Maragogipe Grande; and Marcellino Martins Carneiro, master; American built, and of the burthen of 77 tons.

2. Muster-roll of this vessel's crew of 15 persons, dated 4th September, 1840; and stating her destination to be Fayal, Western Islands.

3 to 5. Receipts from the Custom-house.

6. Bill of health.

7. Fort-pass.

8 to 13. Personal passports for Jozé Ozorio, Gaspar Maria da Silva, Jozé Joaquim Monteiro, and Damião d'Oliveira Pinto, Portuguese subjects; for a Spaniard named Jozé Vicente d'Oliveira, and for Tobias Barretto Brandão, a naturalized Brazilian subject; all of whom are described as passengers in this vessel, and destined for the Azores. To the passport of Brandão, who is a free negro, there is a police certificate stating that he has leave to embark in the schooner of João da Costa, junior; and as he sailed in this vessel immediately after the granting of this permission, it seems probable that the well-known João da Costa, junior, is concerned in her.

The vessel's log-book shows that, on leaving Bahia on the 6th of September, she proceeded at once, and in the usual direct course, to the Bight of Benin, where she was captured on the 13th of October ultimo.

The papers seized on board of this vessel were unusually numerous, being 180 in number; their contents did not, however, prove of that interest which is usually found to be the case, notwithstanding that there were no less than 46 private letters among them.

The papers in question, however, served to show that the passenger, Tobias Barretto Brandão, had been for the last 2 years deeply engaged in the Slave Trade at the several slave ports in the Bight of Benin; and that, in carrying on that traffic at Agui, he had been assisted by Elias Domingos de Carvalho, Antonio Caetano Coelho, Seça Medair, Joaquim d'Almeida, and Antonio Verra dos Santos.

A letter, dated Bahia, 6th September, 1840, from Isidore Jozé Marquis to João Antonio de Rego, of Whydah, shows the connexion of both parties with the Slave Trade.

The foregoing documents, with the following instructions for carrying on the Slave Trade in the Bight of Benin, are all that we think it necessary to refer to. The instructions in question we have considered worthy of being quoted, as affording a partial insight into the manner in which the Slave Trade has lately been and is still conducted on that part of the coast.

"Instructions respecting the trade between Popo and Onim (Lagos) by Señor Jozé Maria Lopez, a resident on the Coast of Africa for some years. Between Popo and Onim (Lagos) there is little or no difference in the value of a demijohn. At Ajudah (Whydah), Porto Novo, Badagry, and Adjudin, the ounce or doubloon (a name more generally known) is taken at 16 bottles, whereas at Onim (Lagos) it goes for 18.

"A small demijohn, though it may hold 20 bottles, is but an ounce. In the trade on the Coast the article of spirits is most indispensable, either rum or Spanish brandy; a case of gin, containing 12 bottles, is valued at a doubloon or ounce. The most ordinary of these spirits is desirable, and the stronger the better; large quantities are always given away as presents.

"Goods and every other article are sold in the proportion of an ounce, and are equal in value from Popo to Onim. The ounce of goods is very uncertain as to quantity and quality, although a piece of madapollam of cotton, striped calico, baft, or a piece of any other kind of goods, white or coloured, bear the same value, provided they measure from 16 to 20 yards; a piece of common handkerchiefs of 15, a piece of coloured containing 10, a piece of red containing 12, others of a common kind from 15 to 16, all are at the current rate of an ounce. In general all goods in the piece or in handkerchiefs, white or ordinary colours, are also at this price; a barrel of powder of 12½ lbs. (they are from 25 to 37½ lbs.); 2 bars of iron, ——— pounds more or less, valued an ounce; one roll of Bahia tobacco, 2 of which in the purchase of bales (slaves) is considered an ounce; a case with gilt bottles filled with spirits, 2 ounces; a musket, an ounce; beads have no certain price. The value of the dollar is not known, neither have they any idea of the measure of corn or beans; the sack of 4 bushels may be had at various prices, and according to circumstances. Up the country there is yet much less knowledge of the value of money; the only currency is a small white shell, the same as are called in India cowries. They bear the following relative value:—40 cowries 1 toque, 5 toques 1 fowl (or 200 cowries), 10 fowls 1 small head, 4 large heads 1 ounce, and 80 fowls or 16,000 cowries one ounce. Those who trade on the Coast of Africa value an ounce of cowries at 8 Spanish dollars.

"Large quantities of cowries should always be procured, as the inhabitants prefer them, and esteem them even of greater value than gold, consequently they always command advantageous markets; 2½ ounces of cowries weigh 3½ arrobas, or 1 cwt. English; an ounce of goods, spirits, &c. sold between Popo and Lagos will not realize an ounce of cowries, neither will a roll or ounce of Bahia tobacco, which, though valued at an ounce elsewhere, is estimated at 2 ounces of cowries at some places; the ounce of cowries is far more desirable in barter than anything else, always giving the usual proportion of other articles. Tobacco, in a good state of preservation, is always esteemed a staple commodity, and will always be found indispensable in the purchase of slaves from Whydah to Lagos. The ounce of tobacco, goods, and spirits, preserves the same value whether in the purchase of slaves, palm-oil, or provisions; the value of the ounce, in whatever description of goods, is always estimated at 8 dollars. From Whydah to Adjudin an ounce of palm-oil is equal to 20 gallons English, but they also sell it by retail in pots; at Lagos it is excessively dear. To the people of the interior you sell all descriptions of goods (excepting handkerchiefs) by the fathom; iron by the palm, bare measure, which is valued 1 'fowl' in cowries; a bottle of spirits sells for 2 'fowls' of cowries, and 1 flask of powder 6 'fowls' in cowries. From Popo to Accra the measure of spirits and goods is the same; the English measure by the gallon, and sell goods for Spanish dollars. From Onim to Eastward they are excessively ignorant and malicious, with a very few exceptions."

The detained vessel arrived in this harbour on Saturday the 7th November inst., and was immediately reported to the Court by the Marshal; and, on the following Monday, the filing of the ship's papers, with the captor's declaration and affidavit of seizure, took place, the usual monition was issued, and the witnesses in preparatory were produced and ordered for examination by the Registrar.

The declaration of the Seizor in this case was as follows:—"I, William Tucker (*b*), Esquire, Commander of Her Britannic Majesty's sloop 'Wolverene,' hereby declare, that on this 14th day of October, 1840, I detained off Prampram, in latitude 3° 58′ north, and longitude 0° 3′ east, after a chase of 10 hours from off the River Volta, the schooner named the '*Gratidão*,' sailing under Bra-

zilian colours, commanded by Joaquim Antonio Brandão, who declared her to be bound from Bahia to Fayal, in the Western Islands, with a crew consisting of 15 men and 7 passengers.

" That the said vessel is detained by me for being fully equipped for the Slave Trade, and completely ready for the embarkation of slaves; having her hold stowed with leaguers and other casks filled with fresh water, and more than is required for a licit trader, levelled with a great quantity of fire-wood, with a quantity of mats to lay over all for the slaves.

" Having her hatchways fitted with holes for bars to confine slaves, having a quantity of tins and spoons for feeding slaves; a set of slave-coppers, a large quantity of farinha, rice, calavances, and jerked beef not in her manifest, and more than is required for a licit trader.

" Having more bulkheads than are customary in a licit trader, and having irons for branding and searing slaves."

On the 11th instant the Master of this vessel was examined on the standing and special interrogatories, and deposed That " he was born in Lisbon, and has lived 22 years in Brazil. Has been a subject of Brazil since the independence of that empire; was previously a subject of Portugal, and has never been a subject of any other state or power. Is not married. He was appointed to the command and had possession given to him at Bahia, in the month of September last, by Bernardino Barboza, a subject of Brazil residing at Bahia. First saw the vessel there and then; does not know where she was built. He was present at the capture; does not know why it took place. The vessel sailed under Brazilian colours, and there were, besides, a Portuguese and a Montevidean flag on board, witness does not know for what purpose; he found them when he took charge. The vessel is called the '*Gratidão;*' never heard of her bearing any other name. Does not know her tonnage. There were 12 or 13 officers and mariners, exclusive of witness, all Brazilians, hired and shipped by witness at Bahia in the month of September last. Neither he nor any of the officers or mariners had any interest in the vessel or her lading. Was master on board. There were 5 cabin passengers, with none of whose names witness is acquainted; some of them were Brazilians and some Portuguese, and all traders, taken on board at Bahia when the vessel sailed from thence, and destined to Fayal, Azores, witness does not know on what business; none of them had any interest or authority in or over the vessel or her lading. The voyage began and was to end at Bahia, which was the last port of clearance. The vessel touched nowhere during the voyage. The capturing ship was first seen off Cape St. Paul's, and in sight of land, on the 11th ultimo at break of day. Chase took place immediately, and capture at 5 o'clock in the evening. Was steering for Fayal at the time; the course was altered and all sail made; the course prescribed by the papers had always been adhered to when the weather would permit. No guns are mounted on board, nor were there any arms of any description or ammunition. There were no instructions for endeavouring to avoid capture. Bernardino Barboza (Pereira Lisboa), from whom witness received command and possession, was the sole owner of the vessel; does not know if he be married; he was born at Bahia. He (witness) knows nothing of bill of sale, price, or transfer of the vessel; the owner of the vessel was the sole lader, owner, and consignee of the cargo. He does not know what was the lading on the last voyage; her present cargo consists of rice, farinha, and beans. After capture the vessel was brought direct to Sierra Leone. The passports and other papers were and are all entirely true and fair; none of the papers were destroyed, concealed, or made away with; there are no writings relating to vessel or cargo in any other country; there was no charter-party. He does not know if the vessel or goods were insured. With respect to her employment in trade the vessel was under his own direction; bulk was nowhere broken during the voyage. The hatches are not fitted with open gratings; the coamings of the hatchways have been pierced to receive iron bars, but the holes are now plugged up; 10 or 12 round iron bars are on board, neither intended nor fit for securing the hatches, for which purpose they are too short. There are 3 bulkheads, those of the cabin, store-room, and forecastle; there are no bunks or sleeping-berths on deck; there are no spare planks on board; no part of a second deck is laid; there were no shackles, bolts, or handcuffs. There are leaguers and casks on board capable of receiving 50 pipes of water in all, and, with the exception of 3, all filled with fresh water at the time of capture. This voyage was to be a long one, and he wished to carry water for the return-voyage, in order to avoid the trouble of procuring it on the coast. There were 18 or 20 mess-tins for the use of the crew, and of emigrants, if she should be able to procure any, from Fayal; there were no copper or iron boilers; there was no flour or Indian corn on board, nor any rice or farinha but what was cargo, which, however, the crew freely used."

Luiz Carvalho, the cook of this vessel, was the second witness examined. His evidence confirmed that given by the master in respect to the ownership of the vessel, her colours, bill of sale, and cargo; and that the voyage began and was to have ended at Bahia. The cook, however, differed with the master on some points. He stated that he believed the schooner's detention to have taken place in consequence of her having articles on board which are used for slaves; that there were 7 Portuguese passengers on board destined for Porto Novo and Whydah, to trade there; that at the time of seizure the vessel was steering for Whydah; that there were on board 15 hatch-bars fit for securing the hatches; 30 mess-tins, of the use of which the witness professed to be ignorant; and also 5 or 6 bags of rice, 10 of farinha, and 4 of Indian corn, for the use of the crew. This witness further testified that the slave-deck belonging to this vessel had been left behind at Bahia, and that during the chase which preceded capture a large copper boiler was thrown overboard.

Publication was granted on the 12th instant.

The sworn report of the officers of the Court, appointed at the instance of the captor's proctor to examine the equipment of this vessel, was received on the 14th instant, and established the following points:—That the coamings of the main-hatch are bored for hatch-bars, of which two were found on board. There is a steerage bulk-head on board, which is unnecessary for this vessel as a lawful trader, and evidently forms the cabin for female slaves, the deck being laid for their reception. In the main-hold the water-casks are covered with mats, which might be made to serve the purpose of a slave-deck. There are on board 8 leaguers and 6 other casks capable of containing 1960 gallons of water. The water-casks the surveyors could not get at to examine properly from the crowded state of the hold, which permitted them only to form an estimate of the whole number, which they declared to be 40. There are 26 mess-tins on board (a greater quantity than is necessary for the crew), and 3 tubs of a particular kind never used or indeed found in any other than slave-vessels. The cabouse is so formed of wood-work, with a brick lining, as to admit of two boilers being placed over the fire by removing the top; and a very large and unnecessary quantity of farinha, beans, rice, and jerked beef.

The monition issued on the 9th was returned certified to have been duly executed on the 16th

instant, on which day the British and Brazilian Court of Mixed Commission met for the adjudication of this case, and pronounced a sentence of condemnation upon the schooner "*Gratidão*" and her cargo on the very clear evidence above-mentioned.

(Signed) R. DOHERTY.
WALTER W. LEWIS.

No. 110.

Her Majesty's Commissioners to Viscount Palmerston.

Sierra Leone, November 30, 1840.
(*Received March* 8, 1841.)

MY LORD,

WE have the honour to acknowledge the receipt of your Lordship's Despatch of the 22nd August last, acquainting us that His Imperial Majesty the Emperor of Brazil had appointed Mr. Hermenegildo Frederick Nitheroy His Imperial Majesty's Commissioner of Arbitration in the Mixed British and Brazilian Court of Commission established here, and desiring us to receive Mr. Nitheroy as our colleague in that Court, upon his going through the accustomed form of admission to the office to which he has been appointed.

We shall not fail to observe your Lordship's directions respecting Mr. Nitheroy whenever that gentleman may present himself at his post.

We have, &c.
(Signed) R. DOHERTY.
WALTER W. LEWIS.

The Right Hon. Viscount Palmerston, G.C.B.,
&c. &c. &c.

No. 111.

Her Majesty's Commissioners to Viscount Palmerston.

Sierra Leone, December 10, 1840.
(*Received March* 8, 1841.)

MY LORD,

THE case of the brigantine "*Emilia*," alias "*Flor de Rio*," João Jozé de Santa Anna, master, resembles, as your Lordship will perceive by the enclosed Report, others recently reported by us of a real Brazilian nationality, attempted to be covered by Portuguese papers, issued by the Consular functionaries of that nation resident in Brazil, for Slave Trading speculations. In this instance all the ship's papers had been issued by the Portuguese Consuls, with the single exception of the passport obtained at Angola on the 6th of October, 1838.

João Machado Cardozo and Jozé Vieira Pimenta, junior, both Brazilian subjects from residence, shipped the cargo at St. Catherine's, near Rio de Janeiro, in July 1840; and the first mate, Joao Pedro Ferreira, in conjunction with Antonio Rodrigues Chaves, appeared as the ostensible consignees. Cardozo, too, was declared to be the sole owner of the vessel by both master and cook, and as having been for a long time a resident of Rio; added to which, the course of trade was essentially Brazilian, being from Rio to the African coast and back again to the first-named place.

The "*Emilia*" left Rio de Janeiro on the 1st of July, 1840, and after tarrying upwards of a month at Rio San Francisco, pursued her course to St. Thomas's, and eventually anchored in the Gaboon on the 1st of October. On the 9th of the following month the boats of Her Majesty's sloop "Wolverene" seized this vessel, having found her with fittings improper for a licit trader.

The prosecution of the "*Emilia*" commenced on the 30th of November, and terminated in condemnation on the 9th instant.

In two letters found on board of the "*Emilia*," the seizure of a vessel which, as far as we can form an opinion, can be no other than the Portuguese brigantine "*Providencia*," taken by the Brazilian man-of-war "*Constança*" off Pernambuco, in August last, the fraudulent system pursued by Brazilian merchants of "having all the papers Portuguese," and proof that the "house" (parties owning the vessel) "is also Portuguese," has been disclosed. The person addressed is Major Manoel Gomez da Silva, of Prince's, and the writers are

Francisco Xavier Marianno and Nicolão da Silva Chagas; the latter either sole or part owner of the vessel or her cargo, and the former apparently supercargo of the vessel in question. A fuller detail of the facts connected with this vessel will be found in our Report, and may serve, if, indeed, she can be identified with the "*Providencia*," to render more complete the history of the proceedings regarding her, as given in Class B., 1839, pp. 351, 352, and Class A., p. 291, of the Parliamentary Papers.

We have, &c.
(Signed) R. DOHERTY.
WALTER W. LEWIS.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

Enclosure in No. 111.

Report of the Case of the Brigantine "Emilia," *alias* "Flor de Rio," *João Jozé de Santa Anna, Master.*

Sierra Leone, December 14th, 1840.

THE following papers were found on board of this vessel at the time of her seizure:—

1. A Portuguese passport issued by the Governor-General of Angola on the 6th October, 1838, to José da Costa Torres, the owner of the brigantine "*Flor de Rio*," bound to Mozambique, with leave to call at Rio de Janeiro. Upon this document there is an indorsement under the hand and seal of office of the Portuguese Vice-Consul, Moniz, dated Rio, 27th June, 1840, granting permission to this vessel to proceed to St. Catherine's, St. Thomas's, and Prince's Islands, and stating that the pass is only valid until she reaches one of those Portuguese islands. The certificate then briefly states that "This brigantine is now called '*Emilia*,' and is accordingly despatched for the ports above-mentioned."

2. Muster-roll dated Rio de Janeiro, 30th June, 1840, and authenticated by the Portuguese Vice-Consul, which states the vessel's destination in the same terms as the passport, and that she is navigated by 16 persons in all, 4 of whom were slaves, 3 belonging to João Machado Cardozo, and 1 to Antonio Gonçalves da Luz.

3. Muster-roll dated the 8th July, 1840, at the Island of St. Catherine's, Brazil, and signed by Jozé Gonçalves dos Santos, the Portuguese Consul at that port. This document differs in no respect from No. 2.

4. Bill of health.

5. Manifest of the cargo prepared by the master of the vessel, who made an official declaration as to its correctness before the said Consul at the Island of St. Catherine's on the 8th July, 1840. The shippers were João Machado Cardozo and Jozé Vieira Pimenta, junior, and the goods embarked by them were of the ordinary kind found on board such vessels, and were ostensibly consigned jointly to João Pedro Ferreira, who appears in the muster-roll as first mate, and Antonio Rodrigues Chaves, for whom there was no letter on board, and whose name is only mentioned here and in the owners' instructions to the master.

6. A copy of the manifest of the cargo with which this vessel left St. Catherine's, addressed officially by the Portuguese Consul at that island to the chief of the custom-house at St. Thomas's and Prince's. This document agrees with the manifest above alluded to, No. 5.

7. Protest of the master of the vessel before a notary-public at Rio de San Francisco, Brazil, on the 14th July, 1840, stating the fact of his having been compelled by stress of weather to visit that place.

8. Log-book of the vessel's voyage kept by the first mate, João Pedro Ferreira. This document shows that the brigantine left Rio de Janeiro on the 1st July, 1840, and arrived at St. Catherine's on the following 4th July, to which place the vessel carried government stores from Rio. The brigantine left St. Catherine's on the 9th July, and on the following day the stress of weather, alluded to in the protest above-mentioned as the cause of their visit to the river St. Francisco, was encountered. It would, however, seem that other causes led this vessel to the port mentioned, as the log gives no account of the proceedings there, although they had remained upwards of a month, when the vessel proceeded on her ostensible voyage to St. Thomas's, which island was made on the 28th September, and quitted two days afterwards for the River Gaboon, where the brigantine anchored on the 1st October last.

9. Log-book kept by the second mate of this vessel, who describes her as the "*Flor de Rio*," whilst the first mate has adopted the new name of "*Emilia*." This log differs in no material point from the first mate's.

10. The instructions of Messrs. Jozé Vieira Pimenta, junior, and Jozé Machado Cardozo to the master of this vessel bore date at Rio de St. Francisco on the 30th June, 1840, and informed him that the cargo which they had shipped was to be delivered either at St. Thomas's or Prince's to João Pedro Ferreira, or his substitute, Antonio Rodrigues Chaves. The consignees had the power to send the vessel and cargo elsewhere if they thought fit, and they were to provide the return cargo for the vessel. In the event of any accident happening, the master is instructed to be very careful in making his protest, so as to avoid all question with the insurers; and is directed not to receive any other slaves on board than those named in the muster-roll.

In addition to the foregoing there were 19 other papers and letters seized, two only of which proved of any interest.

The two letters above alluded to were addressed to Major Manoel Gomez da Silva, one of the Junta of Government of the Islands of St. Thomas' and Prince's, one by Jozé Francisco Xavier Marianno, dated Rio de Janeiro, the 20th June, 1840, and the other by Nicolão Jozé da Silva Chagas, of the same place and dated the same day. These communications principally referred to the seizure of a

vessel at or near Pernambuco, of which vessel or her cargo Gomez da Silva was either part or entire owner, and Marianno apparently supercargo. The cruiser by which this vessel had been detained was the Brazilian brig of war "*Constança*," the commander of which conducted his prize into Pernambuco, where she was adjudicated by the ordinary tribunals of that province and was acquitted. It would seem from the letter written by Chagas that his name had been used in court to represent the claimant of this vessel, as he speaks of a decision in his favour. That his case had been taken up by the Portuguese minister, and he was to receive 6000 dollars to cover all expenses. This sum will not, he says, cover the losses sustained between the 25th October, 1839, and the 20th June, 1840, which already amounted to from 20 to 22 contos of reis. Chagas anticipated that the business could not be finally settled before September at the earliest, and expressed his determination to go to Pernambuco and ascertain the real state of affairs, and perhaps ultimately to Lisbon, whence he had learned, he stated, that the Portuguese ministers have resolved to put off giving the decision, at which it would seem they had in some measure arrived, in respect to this vessel. Chagas added that he had to render an account to the Portuguese ministers at Rio of the expenses and damages sustained in this instance, and to whom "*all the papers which are Portuguese*" are to be exhibited, and proof afforded "*that the house is also Portuguese.*" Chagas notified to Gomez da Silva that the power of attorney which he had sent to Pernambuco to Senhor Azevido had been duly received; from which fact we think may be derived the corroboration of our opinion, that Gomez was interested in the adventure of the vessel above alluded to.

The omission of names and dates, and the very obscure wording of the letter of Chagas, have prevented our arriving at clear and positive conclusions. We are, however, of opinion that the vessel referred to in this correspondence was the Portuguese brigantine "*Providencia*," seized by the Brazilian brig of war "*Constança*" off Pernambuco about July or August last, and which has been mentioned in the printed parliamentary papers on Slave Trade for the year 1839, at pages 351, 352, of Class B., and page 291, Class A.

The following other names appear in the correspondence in connexion with Chagas and Gomez da Silva, viz. Senhor Almeida, of Benguela; João Gomez Netto and Co., and Jozé Dias de Silva and Co., of Rio de Janeiro; Caetano José Dias, and José de Castro Rezo Mattos, of St. Thomas's; and João Borges da Silva, and Venislão Baptista Gonzales, of Prince's Island.

The arrival of the "*Emilia*" in this harbour on the evening of the 28th of November, 1840, was duly reported by the Marshal to the courts together with the facts of seizure, and on the following Monday, the 30th, the case was presented to the British and Brazilian Court for trial.

The filing of the captor's declaration and of the vessel's papers, which latter had been properly authenticated by the prize-officer, then took place; the usual monition was issued, and the witnesses produced were ordered for examination.

The seizor's declaration was as follows:—"I, William Tucker (*b*), Esquire, commander of Her Britannic Majesty's sloop 'Wolverene,' hereby declare that, on this 9th day of November, 1840, Lieutenant Henry Dumaresq, in charge of the boats of the sloop under my command, detained at anchor in the River Gaboon the vessel named the '*Emilia*,' sailing under Portuguese colours, armed with two guns (6-pounders), commanded by João José de Santa Anna, who declared her to be bound from Rio de Janeiro and St. Catherine's to St. Thomas's and Prince's, with a crew consisting of 15 men.

"That the said vessel is detained by me for being equipped for and engaged in the Slave Trade, having a greater quantity of leaguers and water-casks than are requisite for a licit trader without having a certificate that they are for palm-oil, part of which are filled with fresh water; having a much larger hatchway than usual in merchant vessels engaged in a licit trade, and a greater quantity of farinha, calavances, and rice than is required for her crew, and not in the manifest; having four bunks on deck, a slave-room for women and children, and a quantity of pans with a large tub such as are used on board slave-vessels; having a much larger cooking-placé or cabouse than is necessary for a licit trader of her size."

On the 1st of December instant, the master of this vessel, João José de Santa Anna, was examined by the Registrar on the standing and special interrogatories, and deposed as follows:—"He was born in Lisbon; has lived three years at Rio Janeiro; is a subject of Portugal, and has never been a subject of any other state; is not married. He was appointed to the command and had possession given him at Rio de Janeiro during the month of June last, by João Machado Cardozo, a subject of Brazil, living there. First saw the vessel there and then; thinks she was built in Portugal; he was present at the capture; does not know why it took place. The vessel sailed under Portuguese colours, and there were no others on board; the vessel is called the '*Emilia.*' Previous to this voyage she was called the '*Flor de Rio.*' She is of 80 tons burthen. There were 16 officers and mariners, exclusive of witness, all Portuguese and Brazilians, and all hired and shipped at Rio de Janeiro in the month of June last by the boatswain. Neither he nor any of the officers or mariners had any interest in the vessel or her lading. Was master on board; there were no passengers. The voyage began and was to end at Rio de Janeiro. The last port of clearance was Santa Catherina, Brazil, where witness touched to discharge Government clothing for troops, which was done, and dry goods for the coast procured. He was then driven into San Francisco, near Santa Catherina, by stress of weather, and remained there 14 days, after which he sailed for the Gaboon, where he sold dry goods and aguadente, bought 200 pieces of camwood, remained 35 days, and was captured. The capturing ship was first seen while the detained vessel was at anchor in this river on the 9th instant, at 6 o'clock in the morning. Capture took place at half-past 7. Would have sailed within 15 or 16 days for Prince's and St. Thomas's, with dry goods which he had for those places. The course prescribed by the papers was deviated from by going to Gaboon; but witness went there on his own responsibility to procure such articles of trade as camwood and ivory. On other occasions the voyage was always adhered to when the weather would permit. Two guns, 6-pounders each, are mounted on board, and there were 8 cutlasses, 6 muskets, and 3 kegs of ammunition. The vessel was so armed for defence against coast canoes. No resistance was made to capture, nor were there any instructions for resisting or avoiding capture, or for destroying or concealing the vessel's papers. João Machado Cardozo, from whom witness received command and possession, was the sole owner of the vessel. He is a Portuguese by birth, and has resided at Rio Janeiro; witness does not know how long; does not know where he resided formerly; he is not married; he knows nothing of a bill of sale, price or transfer of the vessel. The owner of the vessel is the lader, owner, and consignee of the cargo. He knows nothing of the lading of the last voyage. The outward cargo on the present, of which a part only is now on board,

consisted of dry goods and aguadente. After capture the vessel was brought direct to Sierra Leone. The passports and other papers were, and are all entirely true and fair. None of the papers were destroyed, concealed, or made away with. There are no writings relating to vessel or cargo in any other country; there was no charter party; he is uncertain whether or not the ship or goods were insured. The vessel, with respect to her employment in trade, was under the management of the supercargo. Corresponds with no one; bulk was broken at Santa Catherina and Gaboon only. No slave has been put or received on board for the purpose of the traffic in slaves during the present voyage. The hatches are not fitted with open gratings; the coamings of the hatchways are not pierced to receive iron bolts or bars, none of which are on board. There are 2 bulkheads, those of the cabin and forecastle; there are 4 bunks or sleeping berths on deck; there are no spare planks on board; no part of a second deck is laid. There were no shackles, bolts, or handcuffs. There are leaguers and casks on board capable of receiving 14 or 15 pipes of water in all; four of them were filled with fresh water at the time of capture, and the rest with salt water to ballast the vessel. They were all required to carry water for the crew; there were no tanks or staves; there were 3 mess-kits for the use of the crew; there were no large copper or iron boilers. There was 1 bag of rice, 10 of farinha, half a one of beans, and half a barrel of flour for use of the crew. No Indian corn."

Jozé, the cook of the detained vessel, at his examination, confirmed the statement of the master that João Machado Cardozo, a resident of Rio de Janeiro for some years past, was the owner of this vessel and cargo; a fact with which it is probable he was well acquainted, as he proved himself to have been for the last 3 years the slave of the said Cardozo.

In respect to this vessel's visit to the River Gaboon the cook was much more communicative than the master had been, by explaining that they had disembarked there a barrel of slave-shackles and 20 water-casks, and that the vessel had proceeded to Gaboon to receive a cargo of slaves, for the control and use of whom the above-mentioned articles of equipment were intended, as well as the water-casks and provisions (farinha, calavances, and maize) now remaining on board.

Publication passed in the case on the 2nd instant.

The sworn Report of the Surveyors to the Courts, who had examined the fittings of this vessel at the request of the proctor for the captors, was received on the 3rd instant, and contained the following description of her equipment:—" There were found on board 13 water-casks, together equal to holding 1735 gallons, a quantity of water more than requisite for the use of the crew of this vessel. In addition to the ordinary accommodation below the deck, of the cabin and forecastle, this vessel had 4 divisions on deck in the form of as many sleeping-berths of the kind usually met with in slave-vessels. And the quantity of 4 bags of calavances, 1 of maize, and 12 of farinha, was more provisions of this description than could be required for the use of the vessel's crew."

The Monition, issued on the 30th ultimo, was returned into Court on the 7th instant, and on the 9th instant the British and Brazilian Court met for the adjudication of the case.

In giving judgment in this case the Court remarked upon the manner in which the name of this vessel had been changed, and the reasonableness of the inference therefrom, that that circumstance was intended to disguise and conceal the real character of the vessel and the names of those concerned in her. This opinion the Court considered was confirmed by the fact of both the witnesses in the case (the master and cook) having contradicted the passport of the vessel in respect to her ownership, they having sworn João Machado Cardozo to be the owner. Cardozo was described as a Portuguese by birth, but a subject of Brazil living in Rio de Janeiro, which had been for some years past his place of abode; a fact with which the cook of the detained vessel might reasonably be supposed to be familiar, he having been his slave for the last 3 years past. The Court therefore held that Cardozo had been proved to be the owner of this vessel, and as he had clearly a Brazilian national character, and as the vessel's voyage was from and to Rio de Janeiro, that she had also, *bonâ fide*, a similar national character.

In respect to the real nature of the voyage in which the vessel had been seized, the Court adopted the evidence of the cook in preference to that of the master, inasmuch as the former had every appearance of truth about it, and was borne out by the inferences to be drawn from the proceedings of the vessel and those concerned with her, whilst the evidence of the latter was not supported by the log books or the real state of the vessel.

In declining the evidence of the master respecting the nature of the voyage of this vessel the Court kept in view the fact of his being the immediate and interested representative of the planner of this expedition, which had commenced at Rio by the change of the vessel's name under the questionable circumstances previously mentioned, and which ended in the landing of a large proportion of the vessel's slaving equipment in the Gaboon, whither the vessel had gone for a cargo of slaves; facts which the master had suppressed in his evidence.

The present fittings of the vessel were proved to consist of casks equal to holding 1735 gallons of water, a quantity more than was needed for the use of the crew of the vessel, and 4 unnecessary divisions on the deck in the shape of as many moveable sleeping-berths, such as are usually found on board of slave-vessels. Under all these circumstances the Court considered the engagement of this vessel in the Slave Trade to have been proved; and as a Brazilian national character had also been established, the condemnation of the "*Emilia*" was pronounced on the 9th instant.

(Signed) R. DOHERTY.
WALTER W. LEWIS.

No. 112.

Viscount Palmerston to Her Majesty's Commissioners.

GENTLEMEN, *Foreign Office, March* 25, 1841.

I HEREWITH transmit to you for your information a copy of a Despatch from Her Majesty's Commissioners at Rio de Janeiro, containing a list of vessels

which arrived at the port of Rio de Janeiro from the coast of Africa, between the 1st of June and the 31st of December, 1840; and a list of vessels which left the port of Rio de Janeiro for that destination during the same period.

I am, &c.
(Signed) PALMERSTON.

Her Majesty's Commissioners,
&c. &c. &c.

Enclosure in No. 112.

Rio Commissioners to Viscount Palmerston, January 11, 1841.

(See No. 216.)

No. 113.

Viscount Palmerston to Her Majesty's Commissioners.

GENTLEMEN, *Foreign Office, April* 6, 1841.

I HAVE to acquaint you that I have been officially informed by the Brazilian Minister at this Court, that His Majesty the Emperor of Brazil has appointed M. Joaquim Thomaz do Amaral to be his Imperial Majesty's Commissioner of Arbitration in the Mixed British and Brazilian Court of Commission established at Sierra Leone under the Convention between Great Britain and Brazil for the suppression of the Slave Trade; and I have to desire that you will receive M. do Amaral as your Colleague in that Court, upon his going through the accustomed form of admission to the office to which he is appointed.

I have at the same time to refer you to my Despatch of the 22nd of August, 1840, announcing to you that M. Hermenegildo Frederico Nitheroy had been appointed Commissioner of Arbitration in the Mixed British and Brazilian Court of which you are members; and I have to state to you that the Brazilian Minister has now informed me that M. Nitheroy was nominated Commissary Judge, and not Commissioner of Arbitration; and I have accordingly to desire, that you will acknowledge M. Nitheroy in the capacity of Commissary Judge on the part of the Emperor of Brazil to the Mixed British and Brazilian Court, of which you are members.

I am, &c.
(Signed) PALMERSTON.

Her Majesty's Commissioners,
&c. &c. &c.

No. 114.

Her Majesty's Commissioners to Mr. Backhouse.

Sierra Leone, December 31, 1840.
SIR, (*Received April* 13, 1841.)

IN pursuance of the 75th clause of an Act passed in the fifth year of the reign of His Majesty George the Fourth, entitled "An Act to amend and Consolidate the Laws relating to the Abolition of the Slave Trade," we have the honour to forward a return of vessels adjudicated in the British and Brazilian Court of Mixed Commission in the period from the 1st of July last to this date.

We have, &c.
(Signed) JOHN JEREMIE.
WALTER W. LEWIS.

John Backhouse, Esq.,
&c. &c. &c.

Enclosure in No. 114.

Return of Vessels adjudicated by the British and Brazilian Court of Mixed Commission, established at Sierra Leone, between the 1*st day of July and the* 31*st day of December*, 1840.

Name of Vessel.	Flag.	Name of Master.	Date of Seizure.	Where Captured.		Property seized.	Seizor.	Date of Sentence.	Number of Slaves captured.	Number died before Adjudication.	Total Number Emancipated.	Tonnage of the Vessel.			Decretal part of Sentence, whether Forfeiture or Restitution.	Whether Property condemned has been sold or converted, and whether any part remains unsold, and in whose hands the proceeds remain.
				Latitude.	Longitude.							Foreign, according to the Papers.	English.			
													Old Admeasurement.	New Admeasurement.		
Claudina .	Brazilian	Agostinho Fernandez Catanho Vasconsellos.	1840. Aug. 29	Off the Con	River go.	Brigantine and Cargo.	Edward H. Butterfield, Esq., H.B.M. Sloop "Fantôme."	1840. Oct. 1	..	..	..	130	$148\frac{35}{94}$	$80\frac{997}{3500}$	Condemned for being engaged in the illicit traffic in slaves.	Vessel and stores sold at public auction, and the proceeds paid into the Military Chest.
Onze de Novembro .	,,	Jozé Antonio Carvalho.	Oct. 11	11° 40′ S.	5° 20′ E.	Brig and Cargo.	,, ,,	Nov. 11	..	..	..	206	$246\frac{93}{94}$	$113\frac{867}{3500}$	,,	..
Gratidão .	,,	Joaquim Antonio Brandão.	,, 14	3° 58′ N.	0° 3′ E.	Schooner and Cargo.	William Tucker, Esq., H.B.M. Sloop "Wolverine."	,, 16	..	..	..	77	$121\frac{51}{94}$	$44\frac{3032}{3500}$	,,	
Emilia . .	Portuguese.	Joao Jozé de Santa Anna.	Nov. 9	River	Gaboon.	Brigantine and Cargo.	,, ,,	Dec. 9	..	..	..	90	$127\frac{93}{94}$	$52\frac{2610}{3500}$	,,	

Sierra Leone, 31*st December*, 1840.

(Signed) JOHN JEREMIE.
WALTER W. LEWIS.

(Signed) M. L. MELVILLE, *Registrar*.

No. 115.

Her Majesty's Commissioners to Viscount Palmerston.

Sierra Leone, December 31, 1840.
(*Received April* 13, 1841.)

My Lord,

We have the honour to forward to your Lordship an abstract of the proceedings in the British and Brazilian Court of Mixed Commission during the year ending this day.

Eight vessels, all equipped for and concerned in the Slave Trade, were tried and condemned, under the first article of the Brazilian Convention of the 23rd of November, 1826.

We have, &c.
(Signed) JOHN JEREMIE.
WALTER W. LEWIS.

The Right Hon. Viscount Palmerston, G.C.B.,
&c. &c. &c.

Enclosure in No. 115.

Abstract of the Proceedings in the British and Brazilian Court of Mixed Commission, established at Sierra Leone for the Repression of the Slave Trade, during the Year 1840.

Sierra Leone, December 31, 1840.

1. The brigantine "*Conceïçaõ,*" José Peres da Silva, master, was seized, with Brazilian colours flying, off Whydah, on the 28th of November, 1839, on the ground of her being concerned in the Slave Trade, by Her Majesty's brigantine "Termagant," Lieutenant Henry F. Seagram commanding. The detained vessel was sent to Sierra Leone for adjudication by the British and Brazilian Court of Mixed Commission established these, in which port she arrived on the 27th of December, 1839.

The usual proceedings in prosecution of this vessel on the above-mentioned charge were commenced on the 28th of December, 1839, and from the papers seized on board of her and filed in the case, and the evidence of the witnesses produced by the captor (the master and mate of the detained vessel) was derived the following history of the vessel and her voyage.

The Brigantine "*Conceição*" was furnished with a passport as a Brazilian vessel by the Minister of Marine at Rio de Janeiro in May, 1838, in which Estavão Brito was described as owner, and the vessel stated to be destined for Montevideo, under the command of João Antonio Loutro. What the vessel's proceedings were from that time until she cleared out at Bahia in May, 1839, for the Coast of Africa, with the above-mentioned Da Silva as master, does not appear. She left Bahia on the 5th of May, 1839, and proceeded at once to Lagos with the intention of landing her cargo there; but finding the country in a confused state she went to Whydah, and there discharged it; and whilst waiting the return cargo appears to have made several coasting trips, no doubt with the object of collecting provisions for the slaves who were to form the return cargo to Bahia. The master declared he received possession of the detained vessel at Bahia from Joaquim Fernandez da Silva, whom he then considered to be the owner of the vessel; but that during the outward voyage he had discovered, from the ship's papers, that such was not the case, Estevão de Brito, of Bahia, a Brazilian, being the real proprietor.

The evidence of the mate, Camelo Matthias, was very limited, owing to his having only joined the vessel subsequent to her arrival at Whydah. He, however, agreed with the master in stating that the vessel had always sailed and was seized under the Brazilian flag, and that she had on board an extraordinary number of leaguers, or large water-casks, for which no satisfactory explanation was offered by either witness. Whereupon, on the return of the monition which had been issued in the case on the 6th of January, 1840, the British and Brazilian Court assembled, and pronounced the confiscation of this vessel for a breach of the 1st Article of the Convention between Great Britain and Brazil of the 23rd November, 1826.

2. The brigantine "*Julia,*" Joaquim Mariano da Silva, master, sailed under a Portuguese passport obtained on the 28th of June, 1837, from the Government of Prince's Island for a voyage thence to Montevideo. This passport was extended on the 20th of August, 1839, by the Portuguese Vice-Consul at Rio de Janeiro, Senhor José Marcellino da Rocha Cabral, for a voyage to Prince's Island. The "*Julia*" sailed from Rio with a full cargo on the 29th of August, 1839, with the above-mentioned ostensible destination, which was not, however, attended to, as this vessel went direct to the Gold Coast, where a coasting-trade was commenced and continued until her arrival at Ardra, near Lagos, at which place she was seized by Her Majesty's brigantine "Termagant," Lieutenant H. F. Seagram, commander, on the 29th of November, 1839, on the plea of her being a Brazilian vessel, and as such concerned in the Slave Trade, contrary to the Convention of November, 1826, between Great Britain and Brazil.

On the 29th of December, 1839, the detained vessel arrived in this port, and on the following 30th her case was presented to the British and Brazilian Court for trial. The evidence received from the witnesses produced by the captor (the master and mate of this vessel) satisfactorily showed that Joaquim Manoel Loureiro, a Portuguese, residing at Rio de Janeiro, owned the "*Julia*" and part of her cargo; that the voyage was from the port of Rio to the Coast of Africa and back again; that the official destination of the vessel had been deviated from, as previously mentioned, without any sufficient

reason for so doing, the plea of a want of provisions, on which it was alleged she had touched at the Gold Coast, not justifying the course of trading along the Coast which had been adopted; that she had on board four casks of maize and one bag of farinha (slave provisions) not required for the use of the crew, and not forming part of the cargo; and, finally, that she carried 24 large water-casks, a fact decisive, in the opinion of the Commissioners before whom this case was tried, of the intention to engage the vessel in the Slave Trade.

A sentence of condemnation was in consequence pronounced upon both the vessel and her cargo on the 6th of January, 1840.

3. The Brazilian polacca "*Santo Antonio Victorioso*," Joaquim Lopes Pereira, master, was seized by Her Majesty's sloop "Wolverene," William Tucker (*b*), Esq., commander, on the 2nd of April, 1840, in 4° 45′ north latitude, and 6° 2′ west longitude, for having on board one slave, as well as being equipped for such illegal traffic.

This vessel was the property of the senior partner of the well-known house of João da Costa, junior, and Company, of Bahia, between which port and this coast she appears to have been a regular trader, and to which she was bound when seized.

The detained vessel arrived in this harbour on the 5th of May, and on the following day her prosecution commenced on the above-mentioned charges. The evidence received did not, however, completely establish the charges which the captor had preferred in this instance, as the negro found on board proved to be a free man. The illegal equipment of the vessel was, however, placed beyond question, as it was plainly shown by evidence that there was more water on board than requisite for the crew of the vessel, more divisions in the brig than would be seen on board a lawful trader, and those of a description usually met with in slave-vessels, an unlawful cabouse, and a large quantity of slave provisions.

On the 20th of May the Court accordingly declared this vesssel with her cargo confiscated.

4. The brig "*Republicano*," Juan Garcia, master, sailed under the Montevidean flag, in virtue of a passport granted for her by the Consul for Uruguay, residing at Rio de Janeiro, whence she sailed on the 23rd of March, 1840, on an ostensible voyage to the Canary Islands for the avowed purpose of bringing thence colonists for Montevideo; but really bound to the Portuguese settlements south of the equator in order to procure a cargo of slaves.

This vessel was seized by Commander E. H. Butterfield, of Her Majesty's sloop "Fantôme," on the 12th of April last, in 25° 21′ south latitude, and 12° 48′ west longitude, on the ground of her being *bonâ fide* Brazilian property, and as such illegally employed in the Slave Trade.

On the 18th of May the "*Republicano*" reached Sierra Leone for adjudication on the charges stated, and on the following 20th proceedings commenced against her in the British and Brazilian Mixed Commission Court.

The brig's passport showed that Jozé Garcia owned this vessel, of which he had become possessed by purchase on the very same day that the Montevidean passport was dated, and which paper described Garcia as a subject of the republic of Uruguay. Previous to this sale the detained vessel had long borne the name of "*Pampeiro*," and carried the Brazilian flag. The sale in question, however, proved to be fictitious, and merely a cover for a Brazilian slave adventure. Two of the detained crew, who had been brought to this colony in the brig, declared their thorough knowledge of the vessel for years passed, having been the slaves of her owner, Bernardino de Sá, of Rio de Janeiro, who had long employed her in the Slave Trade, and on whose account the vessel was proceeding to Ambriz for a cargo of slaves at the time of seizure.

The evidence of the negroes received strong confirmation from the fact of the official destination of the vessel having been disregarded, and the neighbourhood of Ambriz resorted to in its stead; from the suspicions naturally arising out of the circumstances attending the sale and transfer of the vessel in due form from the Brazilian to the Montevidean flag; instantly receiving all the requisite Custom-house papers for the brig and her cargo; obtaining the Uruguay Consul's certificate to cover the unlawful equipment shipped on board, and ultimately putting to sea; from the fact, too, that the notorious Luis Antonio de Carvalho, a resident (we believe) of Loando, being concerned in this vessel; and, finally, from the full equipment for the Slave Trade discovered by the captors.

The Court, therefore, acted upon the evidence of the two negroes above quoted, in deciding upon the *bonâ fide* nationality to which this vessel was entitled, and rejected the character furnished by the ship's papers, by declaring that the brig had only been nominally transferred to the Montevidean flag, and that she still retained her Brazilian character, under which she was accordingly pronounced to be a good and lawful prize on the 5th of June, 1840.

5. the Brazilian brigantine "*Claudina*," Agostinho Caetano de Vasconcellos, master, was detainnd on the 29th of August, 1840, by Her Majesty's sloop "Fantôme," E. H. Butterfield, Esq., commanding, off the mouth of the river Congo, on the ground of her being concerned in the Slave Trade.

The master of the "*Claudina*" at the time of detention declared her to be engaged in a voyage from Rio de Janeiro to the Western Islands for the purpose of carrying thence emigrants to Rio, with leave to call at Cabinda on the outward voyage.

The prosecution of this vessel before the British and Brazilian Court of Mixed Commission commenced on the 17th of September in the usual manner; and the captor produced the master and cook of the detained vessel as the witnesses in the case.

The principal official papers for this Brazilian vessel had been obtained from the Portuguese Consul at Rio de Janeiro. Two of these documents described the destination of the vessel to be for different ports on the Coast of Africa.

St. Thomas's on the Line was stated in the bills of lading as the place for the delivery of a large portion of the cargo; whilst the latest paper in date from the Portuguese Consul described Benguela as the port to which the brig was proceeding direct from Rio; and, on the contrary, the owner's instructions desired the master to take a direct course for Cabinda, which he did, and there delivered a great part of the cargo which had professedly been embarked for conveyance to the Azores.

In order to cloak, as far as possible, the real object of the visit to Cabinda, there was placed on board a document addressed to the President of the Society for Colonization at Rio, setting forth that the owner of the vessel had engaged to allow her to convey colonists from the Azores to Rio, and praying

the protection of the Society, with whom this engagement had been made. The President of the said Society, however, is made to decline entering into any arrangement for the disposal of the colonists previous to their arrival in Brazil.

The owner in his instructions to the master mentions that he had shipped certain goods in the vessel to be landed at Cabinda; but the official papers of the vessel showed that only a few trifles for a person at St. Thomas's had been embarked by him. The owner then declares that the freight on the goods shipped for Cabinda is so small as to deprive him of adequate remuneration, and that the master must therefore destroy those goods by throwing them overboard, if any delay in their disembarkation should occur. For the owner appears, according to his own admission, fearful of even a suspicion resting on his vessel of any intention to engage her in "the illicit and abominable traffic in slaves;" a suspicion which he reasonably thinks any delay at Cabinda, one of the most notorious slaving ports south of the equator, would create. Taking into consideration all these contradictions respecting the vessel's cargo and voyage; the deviation of the vessel from the route assigned in her official papers; the evident desire to cloak the real character and object of the vessel's visit to Cabinda, as well as her unlawful equipment, consisting of water-casks, cabouse, and slave provisions, embarked under the plea of ultimately conveying emigrants from the Azores to Rio, and the well-known necessity which exists for keeping as secret as possible expeditions of the description in which the "*Claudina*" appeared to have been engaged, the Court could arrive at no other conclusion than that this vessel had been seized whilst engaged in making a voyage to procure a cargo of slaves, and not one of emigrants.

A sentence of condemnation was in consequence pronounced upon this vessel and her cargo on the 1st of October, 1840.

6. The Brazilian brig "*Onze de Novembro*," José Antonio Carvalho, master, was seized on the 11th of October, 1840, in latitude 11° 40′ south, and longitude 5° 20′ east, by Her Majesty's sloop "Fantôme," Commander Butterfield, in an ostensible voyage from Rio de Janeiro to the island of St. Thomas's on the Equator, but actually proceeding direct to St. Paul de Loando—a port she had nearly reached when detained.

The grounds of seizure consisted of a breach of the 1st Article of the Convention between Great Britain and Brazil of November, 1826, which prohibits Brazilian vessels being concerned in the Slave Trade.

The detained vessel reached Sierra Leone on the 1st of November, and her prosecution on the above-named charge began on the following day.

The ship's papers and correspondence found on board of this vessel showed that she belonged to Caetano Jozé Sanches de Lima, and was proceeding on a voyage from Rio de Janeiro direct to the island of St. Thomas's, and thence to Angola, a course not at all observed by the master of the vessel as previously pointed out, and which he attempted to explain, by stating that he "found it would be more convenient to proceed to the coast first, and deliver his letters and arrange for his cargo."

This proceeding on the part of the master naturally created a suspicion of the correctness of the owner's instructions for the voyage, in which it is stated that the freighters of the outward cargo are bound to supply another from St. Thomas's to Angola, respecting the quality and description of which, however, the owner directs the master to exercise an authority quite incompatible with that discretionary power which the freighters of any merchant-vessel would of right demand and expect to exercise, so long as their goods did not partake of a prohibited character.

Such ambiguous and in fact contradictory directions as those referred to could never have been written by any owner about to despatch his vessel on a regular and lawful voyage, in which there would be nothing to conceal. And this opinion is greatly strengthened by the following paragraph in the owner's letter to the consignee at Angola:—"I hope you will not on any account allow any one engaged in the brig to put slaves on board, since it (the slave traffic) is a trade most strictly prohibited in Brazil, and I do not wish my vessel thus to be compromised."

The testimony of the master of the detained vessel was intended by him to obtain, as much as possible, a lawful character for the plans he was engaged to carry out. The mate of this vessel did not, however, fully support him in so doing, for he distinctly stated that the vessel was proceeding to St. Paul de Loando, instead of the island of St. Thomas's, in obedience to the positive directions of the owner; a statement which has the appearance of truth about it.

The sworn report of the survey of the equipment of this vessel showed that she had more divisions below and on deck than necessary for a lawful trading-vessel, and by one of which the regular cabin for female slaves was formed; that there were far more water-casks on board than the crew needed, as well as four unnecessary mess-tins and a large quantity of farinha and calavances.

The evidence which established the foregoing facts the Court deemed sufficient for proving that this vessel was at the time of her seizure engaged in a slaving voyage, and the "*Onze de Novembro*" was accordingly pronounced a good prize on the 11th of November, 1840.

7. The Brazilian schooner "*Gratidão*," Joaquim Antonio Brandão, master, was seized in the Bight of Benin on the 14th of October, 1840, by Her Majesty's sloop "Wolverene," Commander W. Tucker (*b*), for being fully equipped for the "Slave Trade, and completely ready for the embarkation of slaves."

On the 7th of November the detained vessel arrived in this harbour, and the following day her prosecution on the charge above stated was commenced in the British and Brazilian Mixed Court.

The witnesses produced by the captors were the master of this vessel, and his cook, Luiz Carvalho. From the evidence of these persons, and from the papers found on board of this vessel at the time of her detention, it appeared that she belonged to the port of Bahia, and was owned by Bernardino Barbosa Pereira Lisboa, a resident of Maragogipe Grande, in the province of Bahia; that she sailed from the above-named port in September, 1840, with an ostensible destination of Fayal, in the Western Islands, having on board four Portuguese, one Spanish, and one Brazilian passengers; all of whom, according to their passports, were going to Fayal. On leaving Bahia on the 6th of September the official destination of the vessel was totally disregarded, and a direct course adopted for the Bight of Benin, in which capture took place on the 13th of October, as above stated. This violation of the papers of the vessel the master pretended to explain by stating that, when seized deep in the Bight of Benin, he was actually prosecuting his voyage to the Western Islands.

The master's evidence respecting the equipment of the vessel was to the effect, that the coamings of

the hatches were bored for iron bars, but the holes were now plugged up; that the casks for 50 pipes of water now on board had been embarked on account of the great length of the voyage, and his desire to avoid the trouble of procuring water on this coast; and that the 18 or 20 mess-tins on board were for the use of the crew, and of emigrants, if they should procure any at Fayal.

On the other hand, the testimony of the cook on the same subject proved that the said equipment was for the use of slaves, for a cargo of whom they were in search when seized on their way to Whydah.

The sworn report of the surveying officers of the Court showed that the main-hatch of this vessel was illegal; that there was a female slave-room in the hold; and that there were more water-casks and water on board, as well as more mess-tins, than her crew needed; besides other articles of regular slaving equipment which it is not necessary to particularize.

The proof of this vessel's connexion with the Slave Trade having been so clearly established, her condemnation was in consequence decreed on the 16th of November, 1840.

8. The brigantine "*Emilia*," alias "*Flor de Rio*," João Jozé de Santa Anna, master, sailing under Portuguese colours, was seized on the 9th of November, 1840, in the river Gaboon, by the boats of Her Majesty's sloop "Wolverene," William Tucker, Esq., commander, on the ground of her being equipped for and engaged in the Slave Trade.

The detained vessel arrived in this harbour on the 28th of November, and her prosecution on the above-stated charge, as a vessel having a *bonâ fide* Brazilian national character, commenced in the British and Brazilian Mixed Commission Court on the following 30th.

From the papers seized on board of this vessel and the evidence received in the case, it appeared that the "*Emilia*" sailed under a Portuguese passport originally granted in October, 1838, to the "*Flor de Rio*," by the Governor-General of Angola, and that her name had been changed (on what grounds it is not mentioned) in June, 1840, to that of "*Emilia*," as the Portuguese Vice-Consul at Rio had certified. On this change being completed she is said to have taken on board at Rio de Janeiro Government stores, to be delivered at St. Catherine's Island, where their disembarkation took place, and the cargo with which she was seized shipped.

The brigantine cleared out at St. Catherine's on the 8th of July, 1840, with a cargo of merchandise, embarked and said to be owned by João Machado Cardoza and Jozé Vieira Pimenta, junior, and destined to be delivered at St. Thomas's or Prince's Island to João Pedro Ferreira, first mate of this vessel, and Antonio Rodrigues Chaves, whose name is not mentioned in any other of the papers than the manifest.

The "*Emilia*," having put to sea from St. Catherine's, is declared to have met with a storm, which drove her into the Rio de San Francisco, where she remained upwards of a month. What her occupation was during this time is not apparent. She, however, sailed thence on the 18th of August, and, having touched and remained at St. Thomas's two days, proceeded direct to the Gaboon, where part of the cargo had been landed, as well as 20 water-casks and a barrel of slave-irons, previous to her seizure as above stated. Both the witnesses concurred in declaring that João Machado Cardoza was owner of both vessel and cargo, and that he had lived for some time past in Rio de Janeiro; as well as that the voyage began and was to have ended at that port; facts which induced the Court to hold that this vessel was entitled to a Brazilian national character. Her engagement in the Slave Trade was established by the evidence of the cook in preference to that of the master, the latter having suppressed some material facts, and mis-stated others, respecting the voyage and the vessel's equipment. The cook's statement, that the "*Emilia*" had gone to the Gaboon for the purpose of embarking a cargo of slaves, was strongly corroborated by the slaving equipment which she had on board at the time of seizure (casks for 1736 gallons of water, slave provisions, and unnecessary divisions on deck), and by the fact of such unlawful articles having been landed in the Gaboon, as well as by the vessel disembarking her cargo there instead of at the port for which she cleared out.

Of the illegal nature of the "*Emilia's*" employment the Court, under these circumstances, had no doubt, and the condemnation of the vessel and cargo was accordingly pronounced on the 9th of December, 1840.

(Signed) JOHN JEREMIE.
WALTER W. LEWIS.

No. 116.

Her Majesty's Commissioners to Viscount Palmerston.

Sierra Leone, January 14, 1841.
(*Received May* 4.)

My Lord,

We have the honour to report to your Lordship that Her Majesty's Brig "Rolla," Lieutenant Hall, commander, seized on the 29th of November, 1840, the Brazilian brigantine "*Feliz Ventura*," Jozé Mariano da Costa e Silva, master, off Cape Mount, on the ground of her being concerned in the Slave Trade.

The detained vessel arrived in this port for adjudication on the 10th of December ultimo, and her prosecution commenced on the following 11th, before the British and Brazilian Court.

The proceedings in this instance extended over a longer period than is usual in ordinary cases, owing to the master having filed a claim, under which much evidence was taken, which kept the case open until the 1st instant.

From our report of the case of this vessel, which is herewith transmitted for

your Lordship's information, it will be perceived that, throughout, the history of her voyage has been questionable, and in many instances fraudulent. The vessel is said to have embarked at Rio de Janeiro a large cargo, yet she had not a single Rio Custom House paper on board. The owner despatched her to Bahia for spirits and tobacco, to be purchased on his account, by the master and mate, who were the ostensible consignees of the vessel's cargo; and there the master entirely neglected the owner's instructions on this point, and shipped many goods on account of himself and others. There were interpolated bills of lading for the cargo, which bore date at Rio in September, 1840, whilst many of the articles named therein were not put on board until a month afterwards at Bahia. The seamen's wages were at the exorbitant rate of 5*l.* a-month, and the vessel was seized 1200 miles away from her official destination.

These and other doubtful circumstances, as well as the prevarications, suppressions, and contradictions in the evidence of the master and mate, have been fully dwelt upon in the enclosed report; and we need only here add, that, connecting them with the questionable fittings of the vessel, the Court considered a sufficiently strong case had been established to justify the condemnation of the "*Feliz Ventura*," which was accordingly decreed on the 11th instant.

We have, &c.

(Signed) JOHN JEREMIE.
WALTER W. LEWIS.

The Right Hon. Viscount Palmerston, G.C.B.,
&c. &c. &c.

Enclosure in No. 116.

Report of the Case of the Brazilian brigantine "Feliz Ventura," *Jozé Mariano da Costa e Silva, Master.*

Sierra Leone, January 14, 1841.

The "*Feliz Ventura*" sailed under a passport from the minister of marine at Rio de Janeiro, dated the 24th of September, 1840, which described her as under the command of the above-named Da Costa e Silva, owned by Francisco Jozé da Silva, and destined for St. Thomas' and Prince's Islands, and the ports on the coast of Africa, touching on her way thither at Bahia.

The muster-roll and certificate of admeasurement showed that the brigantine had a crew of 13 persons; that the owner was a Brazilian citizen residing in Rio de Janeiro; and that the burthen of the vessel was 123 tons.

These formed the whole of the official papers from Rio de Janeiro, although there was embarked in that port, by the owner of the vessel, an assorted cargo of merchandise of the value of 5290 dollars, and which was consigned jointly to the master and his first mate.

There was a regular invoice of the above-mentioned goods, signed by the owner of the vessel, and addressed to her master and mate as the consignees of the same.

The instructions from the owner of the brigantine to her master and mate, dated Rio, 23rd of September, 1840, were, in the first instance, to proceed to Bahia, and there to purchase tobacco and aguardiente to the amount of 2½ contos of reis, which articles were to be added to the cargo shipped at Rio, and then, being thus complete, the vessel was to proceed to the coast, where, as early as possible, the master and mate were desired to dispose "of the cargo agreeably to the bills of lading, and purchase such goods, the produce of that country, as in their own judgment they might conceive most suitable to, and profitable in, the Rio market, or that of Bahia." Then followed some instructions for the disposal of this return cargo, either at Bahia or Rio. The consignees are desired to be very particular "with their accounts, and keep a note-book to account for all the cargo they may dispose of on the coast, a copy of which they are to send to the owner, should they not find him in Bahia." This is stated to be necessary to the interests of the firm. They are also requested "on no account to consent to receive on board any slaves, or anything that would indicate dealings in the Slave Trade, so as to prevent any doubt as to her insurance. As they have the authority to trade, they will of course derive the usual advantage from all their transactions; and whatever commission may be due on their sales cannot be interfered with. The crew have received wages for a longer period than will be required to take them to the coast of Africa on a legal voyage, and they shall have a douceur according to the profits arising from the speculation."

Under the circumstances above described, the voyage of the "*Feliz Ventura*" commenced at Rio de Janeiro in September, 1840, whence she proceeded at once to Bahia, where several shipments took place—not, however, of the tobacco and spirits which the owner had directed for the completion of his cargo, but of various articles on the account of no less than four persons, besides the master himself.

At this stage of the vessel's proceedings, therefore, there arose strong grounds of suspicion of the *bonâ fide* character of the "*Feliz Ventura's*" voyage, as the master had totally disregarded the instructions under which the adventure was ostensibly to have been conducted.

The official papers connected with the vessel and her proceedings in the port of Bahia, were—

A bill of health,
Fort pass,
Certificate of having paid duties, and
A passport for three free negroes to be deported to the coast of Africa, under the order of the government.

In addition to these documents there was a paper entitled a "Manifest of the cargo embarked at Bahia for St. Thomas," and apparently drawn up on the 21st of October, 1840, by the master, but unsigned. There were also found on board 10 bills of parcels for cotton goods, tobacco, and spirits, bought in Bahia by the master of the vessel in his own name, a part only of which were so shipped, the remainder having been embarked by Francisco Jozé Godinho, who appears to have acted as agent for the vessel at Bahia.

In the Bahia manifest a portion only of the merchandise said to have been embarked at Rio by the owners, according to their invoice, is described as shipped by them, the remainder being stated to have been taken on board by the master himself, when in fact they were only consigned to him. Francisco Jozé Godinho of Bahia, who appears to have been the vessel's or the master's agent in that port, also shipped, ostensibly on his own account, and consigned to the master, 32 casks of spirits; and Francisco Roiz da Silva, 9 casks under similar circumstances. The second mate was allowed to take on board 2 barrels of spirits; and a seaman of the name of J. S. Ribeiro embarked 7 barrels of biscuits, and 1 of preserves, for Antonio Martins de Barros. In addition to all these shipments, unauthorised by the instructions for the voyage, this Bahia manifest showed that the master had put on board, in his own name, and consigned to himself, 94 rolls, 3 casks, and 226 other packages of tobacco, whilst there was not a single package of either spirits or tobacco on the owner's account, as had been ordered.

There remain now only two other papers to notice, and these proved of importance in the decision of this case: they were professedly the bills of lading of the cargo with which the brigantine was seized, marked A and B, both bearing date at Rio de Janeiro on the 22nd of September, 1840, and signed by the master.

The bill of lading A was for goods said to have been shipped by Antonio Martinez Vianna (a seaman on board this vessel), and consigned to himself, consisting originally of 6 barrels of rusks, or biscuits, and 1 of brazil nuts. A plainly interpolated entry in this paper increased the shipment by the addition of 3 barrels of rum, and 10 of tobacco, which articles must have been embarked at Bahia in October last, and not at Rio in September last, as the bill of lading professed.

The bill of lading B was evidently drawn up originally for the goods said to have been embarked by the owner according to the Rio invoice; but an interpolation here also, made it to include many of the goods put on board at Bahia nearly a month after its date at Rio. It did not, however, include all the articles named in the Bahia manifest, as there were omitted a case containing 100 tin measures, or cups, which were well adapted for feeding slaves, or giving them water, shipped by the master; and 32 packages of spirits, embarked by Godinho, and consigned to the master; as well as the 2 barrels of spirits taken on board by the second mate.

The log-book of this vessel commenced only at Bahia on the 22nd of October last, no mention being made of her proceedings between Rio and that port, and ended off Cape Mount on the 29th of November following, in making which point the vessel had first gone several degrees to the southward of the island of St. Helena, and then taken a nearly north course for Cape Mount, in the neighbourhood of which she had been dogging about for a week previous to capture, during which time it is probable the landing of a part of the cargo took place, as bulk had plainly been broken before seizure.

On the 11th of December ultimo the Marshal reported the arrival here of the "*Feliz Ventura*" during the previous night; and on the same day application was made to the British and Brazilian Court to commence her prosecution, which was complied with. The ship's papers and captor's declaration were accordingly filed, the usual monition issued, the witnesses in preparatory were ordered for examination, and a survey of the fittings of the vessel directed to be taken.

The seizor's declaration was as follows:—"I, Lieutenant Charles Hall, commander of Her Majesty's brig 'Rolla,' do hereby declare that, on the 29th day of November, 1840, in latitude 6° 30′ North, longitude 10° 57′ West, Cape Mount bearing north-west by north 27 miles, I detained the Brazilian brigantine, or vessel, named the '*Feliz Ventura*,' sailing under Brazilian colours, commanded by Jozé Mariano da Costa e Silva, who declared her to be bound from Bahia to the island of St. Thomas, with a crew consisting of 12 men and boys, and 3 passengers, whose names, as declared by them respectively, are hereafter shown, under the following circumstances, and for the under-mentioned reasons, namely:—

"A great deviation from her intended voyage to St. Thomas on the Line, which is clearly pointed out on the accompanying chart, and position given in this declaration: namely, from hovering when detained under Cape Mount, then on her return from Cape St. Ann, near Sierra Leone.

"She is provided with a large cook-house, or cabouse, fitted for large boilers capable of cooking for a very great number of people.

"The lining in the hold being removed about four feet below the beams, is ready for the immediate reception of an additional planking (athwart ships) or deck for slaves.

"She has on board a far greater quantity of water-casks, and provisions, consisting principally of jerked beef, farinha, &c., than is necessary for the consumption of her crew; as also a very large quantity of fire-wood, drinking-cups, and many hand-pumps for casks.

"A part of this vessel's cargo I suspect to have been landed on this coast; many packages of her cargo have been opened, and a large portion of their contents are in the after-cabin.

"In conclusion, this vessel sails very well, has only half the cargo on board which her hold is capable of receiving, and could be fitted, at the shortest possible notice, for the reception of slaves."

The examination of the master of this vessel took place on the 14th of December, when he deposed That "he was born in Fayal, Azores. Has lived 19 years in Rio de Janeiro. Is a subject of Brazil. Was, previous to the independence of that empire, a subject of Portugal. Is not married. He was appointed to the command, and had possession given to him, at Rio de Janeiro, in the month of September last, by Francisco José da Silva, a subject of Brazil, who resides there. First saw the vessel there and then. She was built in Brazil. He was present at the capture. Does not know why it took place. The vessel sailed under Brazilian colours, and there were no others on board. The vessel is called the '*Feliz Ventura*.' Never heard of her bearing any other name. She is of 123 tons burthen. There were 11 officers and mariners, exclusive of witness; upwards of one-half of them Brazilians, and the remainder Portuguese; all hired and shipped at Rio de Janeiro in September last, by the boatswain. With the exception of 5 barrels of bread, and 1 of preserves, belonging to Antonio Vianna, a seaman, neither himself nor any of the officers or mariners had any interest either in vessel or cargo. Was master on board. There were 3 forecastle passengers, natives of the coast of Ehnina, of whose names and profession witness is ignorant. They were taken on board at Bahia on the 21st

of October, by desire of Government, to be deported to Africa, and were to be landed on any part of the coast. They had of course no concern or authority in or over the vessel or her cargo. The voyage began and was to end at Rio Janeiro, which was the last port of clearance. The vessel proceeded to Bahia for tobacco and aguardiente, which were accordingly procured there; and she touched nowhere else during the voyage. On the 29th ultimo, at six o'clock in the morning, the capturing ship was first seen off Cape Monserrado, and in sight of land. Capture took place at two o'clock. Was steering for Cape Palmas at the time. The course was not altered, nor any additional sail made. The course, as prescribed by the papers, was for Bahia, the coast of Elmina, and St. Thomas' in Africa. It was no deviation from this route to run down (up) the coast a little farther west or east of Elmina, and therefore to make, in the first instance, for Cape Palmas (Mount), which witness was doing, in order to trade for palm-oil, ivory, gold, and country cloths. No guns are mounted on board, nor were there any arms or ammunition. There are no instructions for endeavouring to avoid capture, or for destroying or withholding papers. Francisco José da Silva, from whom he received command and possession, was the sole owner of the vessel. He is a Brazilian by birth. He is not married. He knows nothing of bill of sale, price or transfer of the vessel. The owner of the vessel was also the lader, owner, and consignee of the cargo. He knows nothing of the lading on the last voyage. The present cargo consists of tobacco, aguardiente, dry goods, muskets, iron bars, sheet lead, nails, beads, and other articles which witness cannot recollect. After capture, the vessel was carried to Little Sesters, and from thence brought to Sierra Leone. All the passports and other papers were and are entirely true and fair. None of the papers were destroyed, concealed, or made away with. There are no writings, relating to vessel or cargo, in any other country. Both vessel and goods are insured for this voyage, such insurance having been effected at Rio Janeiro in November last; but witness does not know at what premium, nor by whom it was made. The vessel, with respect to her employment in trade, is under direction of witness, who corresponds with no one. Bulk was nowhere broken during the voyage."

In respect to the equipment of the vessel, the master stated that she had neither grated hatches or hatch-bars, nor unnecessary divisions, spare planks, slave-deck, shackles, bolts, or slave provisions; and that she only carried casks equal to holding 11 pipes of water in all (1320 gallons), which he was of opinion was absolutely needful for the crew.

Jozé Maria de Freitas, the first mate of this vessel, was the second witness produced, and was examined at the same time as the master. He confirmed the master's evidence respecting the ownership of the vessel and cargo; the commencement and intended termination of the voyage at Rio de Janeiro; the lawfulness of the fittings of the vessel; and the necessity of her carrying 11 pipes of water for the use of the crew. The mate, however, differed somewhat from the master regarding the deviation of the vessel from her official route, by explaining that he considered "the ports on the Gold Coast" to mean any port on the African coast; and, as regarded her *bonâ fide* destination, he declared it to be the river Benin, for which they were steering when seized, notwithstanding that they were then off Cape Mount.

Publication passed in the cause on the 14th, and on the 16th ultimo the sworn report of the surveyors was received, from which it appeared that the "*Feliz Ventura*" had "fourteen water-casks (most of them containing water, capable of containing 1433 gallons, being a much larger quantity than requisite for a vessel of her size as a merchant-vessel), three mess-kids, and two large wooden bowls—the mess-bowls not being requisite for the use of the crew; a large wooden cabouse, lined with brick and tin, and which has an iron grating to lay the boilers, &c., on, but is of the usual description found in Brazilian merchant-vessels; nine bushels of farinha of cassada, about half a bushel of rice, twelve barrels and a half of bread and farinha mixed, and a small quantity of jerked beef, not more than what might be requisite for the use of the crew as a merchant-vessel. The ceiling of the vessel is open, so that, if a slave-deck was required to be laid, cleets would not be required to receive the ends of the beams. The form of the ceiling appears to be that with which the vessel was originally built, and is very common. The top of the streak is about four feet below the deck, and would leave sufficient height underneath it for a tier of pipes on each side, with wing-casks of a considerable size"

The monition, issued on the 11th ultimo, was returned certified to have been executed on the 18th following; and with this the captor's case was closed.

On the 15th of December, however, the master appeared as the claimant of his vessel; and on the 17th the following claim was duly authenticated by the master's affidavit, and ordered to be filed:—

"The claim of the said Jozé Mariano da Costa e Silva, the master of the said brigantine, a subject of His Majesty the Emperor of Brazil, for the said brigantine, her tackle, apparel, and furniture, goods, wares, and merchandise on board the said brigantine at the time of the capture thereof by Her Majesty's brig 'Rolla,' Lieutenant Charles Hall commanding, and brought to Sierra Leone, for the said brigantine, her tackle, apparel, and furniture, and her cargo (with the exception of five barrels of bread, and one barrel of preserves, which belong to Antonio Martin Vianna, a seaman on board the said brigantine), as the sole property of Francisco Jozé da Silva, an inhabitant and native of Rio Janeiro, and as protected by the Treaty or Convention between his late Britannic Majesty and His late Imperial Majesty the Emperor of Brazil, dated the 23rd of November, 1826; and for all costs, charges, losses, damages, demurrage, and expenses, as have arisen, or shall or may arise, by means of the capture and detention of the said brigantine as aforesaid."

On the 19th ultimo the claimant's proctor brought in a petition with special interrogatories to be put to the master and mate of the vessel and the surveyors of the Court, which was was granted. The master and mate were examined on the 22nd ultimo, when the former deposed that "the brigantine came to the coast of Africa for the purpose of lawful trade, it being the intention of witness to purchase for Bahia and Rio Janeiro a cargo of palm-oil, ivory, gold, country cloths, and other African produce. The owner of the brigantine did not authorise him to purchase slaves; the owner is not engaged in the Slave Trade; 15 persons sailed from Brazil in the vessel; all those persons were on board at the time of capture. All the water-casks were filled with fresh water when the vessel sailed from Brazil. Twelve pigs, 20 fowls, and 2 other living animals, were on board when the vessel sailed finally from Brazil; 4 of the pigs, half the fowls, and both the other animals being still on board at the time of capture; 20 or 25 gallons of water daily were used for those animals at the commencement of the voyage, this quantity being constantly diminished of course in proportion as they were killed. The two wooden bowls on board were used by witness and by the mate as basins for washing their persons. The small boilers were used for cooking for witness, the rest of the crew, and the passengers,

and were insufficient for that purpose. Farinha is used as food on board Brazilian vessels in general. The '*Feliz Ventura*' is built like all other Brazilian merchant-vessels. The crew received 20 dollars or one month's wages in advance before sailing from Brazil."

The replies of the mate to the same questions as had been put to the master were almost word for word throughout the same as the master's evidence above quoted.

On the 22nd ultimo the surveyors were examined, when they deposed that the admeasurement of the water-casks was returned in their Report in the old or Winchester measure. One of these gentlemen thought 500 gallons, and the other 640 gallons of water, enough for the actual number of men necessary to navigate this vessel on her voyage from Brazil. One pronounced 250 gallons of water requisite for the live stock embarked in the vessel, whilst the other considered by good management that 40 gallons would be sufficient. That the wooden mess-bowls mentioned in their Report as unnecessary for the crew were equal to containing together from 4 to 6 gallons. And in respect to the opening left all round the vessel in her ceiling or lining, they stated that it is not common in Brazilian merchant-vessels, though they had seen such, but with scarcely so much regularity as in this case, and which rendered it adapted to the immediate reception of a slave-deck.

At the instance of the claimant 2 ship-masters were examined on special interrogatories, namely, Mr. Brice, Joseph Harfield, of the English brig "Gipsy," and Mr. George Darley, master of the English brig "Charles Heddle." These persons deposed that not less than 65 days' water should have been embarked in the "*Feliz Ventura*" for the voyage in which she was engaged; and Mr. Harfield stated that the total quantity of water needed for her crew and live stock was 1520 gallons, whilst Mr. Darley considered 1680 gallons to be necessary. They also gave some further evidence about the length of voyages they had conducted from England to North America, to the East Indies and to Fernando Po, but which not bearing at all on the present case it is useless to quote.

With these examinations the claimant closed his case and had publication granted on the 23rd ultimo.

On the following 28th the proctor asked for and obtained the sanction of the Court to cross-examine the master by certain special interrogatories which he had prepared on perusing the claimant's case.

The master was accordingly re-examined on the 29th of December, and swore that "he signed bills of lading for the whole cargo on board the vessel; no part of the cargo whatever was shipped without bills of lading. The signature to the bill of lading exhibited to him (marked A., No. 23) is his, and the two first articles enumerated therein were shipped at Rio de Janeiro; but the 3 barrels of aguardiente and 10 barrels of tobacco were taken on board at Bahia. The whole of these articles were shipped by one Antonio Martinez Vianna, a seaman on board the captured vessel, who had the control of the two first articles—the bread and the preserves—which were allowed to be taken on board by the owner at Rio; but aguardiente and tobacco it is not usual to leave in charge of a seaman, and accordingly witness, having agreed to allow Vianna to put them on board, took them into his own custody, with the understanding he was to sell them on Vianna's account on arriving at St. Thomas's, if Vianna should think fit to direct him to do so; but declares he had no verbal or written instructions whatever respecting the said articles. In his examination in chief, and in the affidavit annexed to the claim, he has stated that the whole of the cargo on board belonged to Francisco José da Silva, with the exception of 5 barrels of bread and one case of preserves, whilst in fact 3 barrels of aguardiente and 10 barrels of tobacco belonged to one of the seamen; and witness accounts for this discrepancy by stating that he considered himself responsible for all the cargo, and did not think it worth while to make any distinction for the small quantity of tobacco and aguardiente. The bread and preserves witness did not consider cargo, though entered in the bill of lading, and did not look upon himself as responsible for them. The 5 casks of bread and 1 case of preserves are part of the 6 casks of bread, and 1 case of preserves mentioned in the preceding interrogatory, there was no other bill of lading respecting them, and there was no agreement as to the disposal of those goods other than he has already stated; no freight was to have been paid on them. He has never been on the coast of Africa before in any capacity whatever. There is a Custom House at Rio de Janeiro, and all merchant-vessels report themselves and clear out from thence previously to their leaving that port,"

The prize-officer was also examined at the request of the Seizor's proctor on the same day, and deposed that "there were on board the captured vessel when he took possession of her, to the best of his knowledge and belief, about 2 dozen of fowls, a sow, and 3 small pigs, and also a cat and a dog, and no other animals. The full allowance of water given on board Her Majesty's ships cruising on this coast, per diem for each man for all purposes, is 1 gallon, but the usual allowance is only 7 pints issued by Imperial measure. The utensils used by the master and mate of the captured vessel for washing themselves in on their passage to this port were white earthenware basins. Never saw them use, or knew of their using, the wooden bowls on board the vessel for that purpose, though witness saw them washing nearly every morning. At the time of seizure witness found that bulk had been broken, and that several of the cases of cotton cloths, composing part of the cargo, had been opened and a considerable portion of their contents removed. Witness afterwards found a large quantity of cloths of a similar description stowed away in one of the cabin-berths."

Publication of this additional evidence having been granted on the 29th of December, the proctors on both sides considered their cases closed, and petitioned on the 1st instant for a day of trial, which was fixed for the 11th instant, on which day the Court accordingly assembled.

The proctor for the Seizor, in addressing the Court in support of his case, dwelt upon the very great deviation which had been made by this vessel from the route prescribed by the ship's papers, upon the evidence of the master that the exorbitant wages of 20 dollars (5*l.*) a-month was promised to the common seamen, and on the illegal fittings of the vessel, as fully making out his client's case of her being engaged in the Slave Trade, for which traffic the cargo was particularly adapted. The proctor also remarked at considerable length on the manifest fraud, falsehood, and prevarication, which distinguished the vessel's papers and master's evidence in this case, as well as the clandestine shipment by the master of a case of 100 tin-pots or measures adapted for the use of slaves; and that the claim of the master was not admissible according to the practice of the Admiralty Court, inasmuch as it was at variance with the papers of the vessel.

The claimant's proctor, in the first instance, made some unimportant observations upon the surveyor's report of the fittings of the schooner, and upon the ignorance of those officers as to whether farinha was the common food of Brazilians; the latter being a point which he desired to establish on

their evidence. He alleged that the vessel had regularly cleared out on leaving Rio de Janeiro, a statement which was supported only by the master's assertion; and that, according to the Convention with Brazil, an excess of water or water-casks formed no ground of seizure. The claimant's proctor was also of opinion that a vessel might deviate, without liability to question, from the destination assigned her in the official papers with which she was furnished and sailed under. He referred to the British Act of Parliament, which pointed out the quantity of water vessels should carry when voyaging between England and North and South America and Africa, in order to show that it would be but reasonable to allow for this vessel in her voyage from Brazil to Africa 12 weeks' water.

The captor's proctor, in reply, observed that 50 days' water would be ample for the voyage in which the "*Feliz Ventura*" was engaged; and, in remarking upon that part of the master's evidence of his never having visited this coast before, observed that it was not reasonable to suppose that any owner would intrust the disposal of a valuable cargo, such as this vessel carried, to an inexperienced person.

The Court, in giving judgment, took a review of the ship's papers of this vessel, and particularly remarked upon the differences which existed between many of them where they should have entirely agreed, and which differences have been dwelt upon in the previous description of the papers, as well as the interpolated entries in the two bills of lading for the cargo, which formed, according to the master's account, the whole of these documents.

The papers in question, the Court declared, had altogether such a fraudulent character, that they were unworthy of credit, whilst the evidence of the master, which should have served to remove doubt respecting them, had had the opposite effect.

The Court then observed that the principal ground upon which the captor's charge against this vessel had been supported in his declaration was, that she was unlawfully equipped, indicating thereby an intention to engage in the Slave Trade, and that her deviation from the course prescribed by the ship's papers was corroborative of her illegal employment. The captor also added the charge of there having been 3 slaves on board, but this was at once found to be incorrect, for, on an examination of the vessel's papers, No. 7 proved to be an official passport for the deportation from Bahia of these men in the character of free blacks.

To prove the correctness of the captor's allegation of this vessel having been unlawfully equipped when seized, a survey of her was held, the report under which showed that there were on board 14 water-casks, which were capable of containing 1433 gallons; that she had a cabouse wherein a slave-boiler could be used if desired; was provided with two large wooden bowls equal to holding 6 to 7 gallons, which were not necessary for the messing of the crew, and were good substitutes for the usual slave mess-kids; and the ceiling of the hold was left open all round at a distance of 4 feet from the deck, in such a regular manner as to make it available without any other preparation to lay a second or slave-deck upon.

With a view to obviate some of the effects which the surveyor's report of the equipment of this vessel was likely to produce on the minds of the Court, various interrogatories, at the instance of the claimant's proctor, had been put to the surveyors; two ship-masters had also been examined on the part of the claimant; and the master and mate had likewise given their testimony in explanation of the questionable fittings. The principal result, however, of all these examinations tended first to establish that a very comfortable supply of live stock had been embarked in this vessel; secondly, that a very large stock of water should necessarily be allowed for the use of the said stock; and thirdly, that, this being added to the required quantity of water for the crew during the voyage, it would, therefore, appear that the number of casks on board were not in excess.

The evidence on these points showed the following very different opinions as to the water necessary for the crew. The two surveyors declared respectively that 500 and 640 gallons were sufficient, whilst the two ship-masters stated 1120 and 1680 gallons was the proper quantity.

Respecting the quantity of water which should be allowed for the live stock, the Court was informed by one, that the total quantity should be 40 gallons; by a second that it should be 300; and by a third 400 gallons.

Upon this subject, however, the Court was guided strictly by the rule laid down in the case of the brig "Plant," and allowed 1 gallon only per day for each of the 13 seamen and 3 black passengers embarked in this vessel, which for a 60 days' passage to this coast (the same as was allowed in the case of the "*Emilia*" from Bahia) showed the quantity needed to have been 960 gallons, and that there was, therefore, an excess of water-casks to the extent of 473 gallons. A question had been fairly enough suggested in this case by the claimant's proctor as to whether the allowance of water on board prizes was according to the new mode of measurement or the old—the Imperial or the Winchester measure—and the Court availed itself of the opportunity of explaining, that the allowance of a gallon of water a day per man was according to the Winchester measure, in which measure the Court was aware the surveyors returned the results of their gauging the water-casks.

To return to the quantity of water which this vessel might lawfully carry, and which, as above stated, should not exceed 960 gallons, the Court remarked that that quantity amply provided for the wants of all the live stock on board, and for every other reasonable demand which could be made upon it. It was a full allowance for the number of the crew and passengers on board the "*Feliz Ventura*," in the longest voyage from Bahia to this coast which could reasonably be calculated upon; and the Court therefore held that the excess of water-casks, previously mentioned, was on board for an unlawful purpose, no sufficient excuse or explanation having been offered respecting them.

The formation of the cabouse in this vessel led to well-founded suspicions of the intention to which it was to have been applied, as it was found capable of receiving the regular slave-boiler, and lined with tin to guard against the effects of the large fire which would be necessary when that boiler was in use.

The farinha and biscuit was certainly as large a quantity as could have been admitted as necessary for the use of the crew; and, were it requisite closely to examine this point, the Court considered it would be pronounced to be in excess, there being farinha enough to supply all but the master and mates on the return voyage to Bahia. A close calculation was not however called for on the present occasion.

The manner in which the hold was prepared to receive at once a slave-deck, whenever needed, was so strong an indication of what the return cargo was to have consisted of, that, connecting this with the other illegal fittings already described, no other opinion could be formed of them than that they were to adapt the vessel to receive a cargo of slaves.

In coming to this conclusion the Court was influenced by the fraudulent practices which had characterised this vessel's proceedings from the moment of her leaving Rio, by the exorbitant rate of wages which the master had proved to have been allowed the crew, and the contradiction on this point between the master's evidence and owner's instructions, as well as by the fact of her having neglected the route assigned her in the vessel's official papers, and gone 1200 miles away from her destination with the evident object of visiting Cape Mount or its neighbourhood, in which some 8 or 10 days were, according to the log-book, uselessly expended in sailing up and down the coast.

It was thought by the Court, if the truth could have been learned, that that time was employed in discharging cargo at Cape Mount, and the confused state of the hold at the time of seizure would justify such an opinion.

The sentence of the Court was, that the "*Feliz Ventura*" and her cargo were good and lawful prize to the Crowns of Great Britain and Brazil.

(Signed) JOHN JEREMIE.
WALTER W. LEWIS.

No. 117.

Her Majesty's Commissioners to Viscount Palmerston.

Sierra Leone, January 14, 1841.

My Lord, (*Received May* 4.)

In this Despatch we beg leave to enclose to your Lordship our Report of the case of the schooner "*Bellona*," Francisco Pedro Ferreira, master, captured under the Portuguese flag, off Angola, on the 14th of December, 1840, by Her Majesty's sloop "Fantôme," Commander E. H. Butterfield.

A novel though not very ingenious manœuvre was resorted to by the parties interested in the adventure of the "*Bellona*" with the object of concealing the real grounds of her carrying an equipment such as is needed in slave-vessels, viz. that of declaring her bound for the whale-fishery. The course of the proposed voyage was from Rio de Janeiro, touching at St. Catherina, thence to the fishery, and eventually to Lisbon. To evade this route gales of wind were said to have arisen, and occasioned the loss of all the whaling tackle, driving the vessel from each place of destination, until the African coast was very conveniently made, when the officers and crew resolved, under protest, to enter the port of Angola. The utter improbability of this plan is apparent at first sight. The fact of a slave-vessel of the "*Bellona's*" construction being engaged in whaling; of her being unprovided with whale-boats, without which the fishing could not be conducted; gales of wind, one succeeding the other with severity sufficient to propel the vessel within sight of the African coast; and the absence of all outward cargo, and of a sufficiency of suitable provisions for such a voyage, whilst a slaving equipment actually appears on board, equally expose the real intentions of the "*Bellona's*" voyage, and the very lame attempt made to conceal them.

This plea for having on board an equipment for a cargo of slaves the Court accordingly rejected; and, the vessel having been proved by her course of trade and the domicile of the owner to be entitled to a Brazilian national character, pronounced the detention upon these grounds justifiable, and condemned the vessel and cargo on the 11th of January, 1841.

We have, &c.

(Signed) JOHN JEREMIE.
WALTER W. LEWIS.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

Enclosure in No. 117.

Report of the Case of the schooner "Bellona," *Francisco Pedro Ferreira, Master.*

Sierra Leone, January 14*th*, 1841.

The following papers were found on board the "*Bellona*" at the time of capture:—

1. A Portuguese provincial passport granted at St. Paul de Loando on the 1st of July, 1840, for the voyage preceding that of detention, the vessel being then bound to Rio de Janeiro via the Cape Verds. Manoel Antonio Ferreira da Silva, a merchant carrying on business at Rio de Janeiro, is mentioned as the owner, and Francisco Jozé de Souza as master. An endorsement made by the Portuguese Vice-Consul, Francisco João Moniz, at Rio de Janeiro on the 6th of November, 1840, the day before the commencement of the last voyage, describes the destination as being the Fishery and

Lisbon by way of St. Catherine's, near Rio de Janeiro and Bahia. This passport is declared to be valid only until the vessel can reach Lisbon.

2. Muster-roll, obtained, like the last paper, at St. Paul de Loando in July last, with a similar destination for the vessel, and renewed in November last for the present voyage by the Portuguese Vice-Consul at Rio de Janeiro. On comparing these two lists of crew it appears that the man who had commanded on the previous voyage was on board in the inferior capacity of boatswain when the vessel was seized; and that of the five slaves of the owner, who acted as seamen in the former, four still remained in the same situation on the latter occasion. These slaves, it was stated, were entered on the list of crew in consequence of their having come to Angola from Rio de Janeiro as seamen.

3. A bill of Health.

4. A certificate of tonnage dated at St. Paul de Loando on the 1st of July, 1840. The "*Bellona*," formerly the "*Josefina*," is declared to be the property of Manoel Antonio Francisco da Silva, residing at Rio de Janeiro, to be of Genoese construction, of the burthen of 117 tons, and then under consignment to Luis Antonio Carvalho e Castro, who is described as a resident merchant of Angola. This paper bears the signature of Boaventura de Lemos Simeão.

5. A brief letter of instructions from the owner, Manoel Antonio Ferreira da Silva, to the master of the vessel, written at Rio de Janeiro on the 6th of November, 1840. The ostensible, but somewhat improbable, object of the voyage is stated to be whale-fishing; and the master is directed, after touching at St. Catherine's on his way to the fishery, to proceed to Bahia, and dispose of his oil to Luis Antonio Carvalho e Castro, who will then despatch the vessel to Lisbon.

Nos. 6, 7, 8, 9, and 10, are a series of very formal protests made at sea by the master and crew between the 8th of November and 8th of December, 1840, accounting for the deviation from the prescribed course of the voyage in consequence of meeting with heavy gales of wind. The first and second protests describe a gale of wind which ensued in 26° 25′ south latitude and 3° 30′ west longitude, which prevented the Island of St. Catherine's being visited. In a third it is mentioned that a whale was fallen in with, pursued and harpooned; when unluckily another gale sprung up, and to save the people in the boats the whale was allowed to escape, carrying off all their fishing-tackle. The fourth declares that the loss of all the fishing-tackle had completely defeated the object of the voyage, and that it had now become necessary to make for the nearest port. In the fifth and last protest another very heavy, and in its consequences injurious, gale is said to have been experienced, and rendered it imperative for the vessel to proceed to Angola, which proved very conveniently to be the nearest port, and close to which capture took place.

11. A packet of custom-house papers relating to the cargo, dated at Rio de Janeiro, November 6th, 1840, and addressed to the inspector of customs at Desterro by Theodoro Lazaro da Silva. Provisions and articles necessary for the fishery:—50 bushels of farinha, 42 bags of beans, 5 bags of biscuits, 4 bags of rice, 100 lbs. of dried meat, 100 barrels of flour, and a large quantity (8000 logs) of wood, are cleared out for the voyage.

12. A log-book of the voyage, commencing on the 6th of November and ending on the 13th of December, 1840. The gales of wind referred to in the foregoing protests, as well as the loss of the chief articles of the whaling equipment, are duly noted in the log, which in fact is made perfectly to agree with and support the scheme for which the protests themselves had been fabricated.

On the day after the "*Bellona*" had made the land off Angola, Her Majesty's sloop "Fantôme," Commander Edward Harris Butterfield, fell in with and detained this vessel, the captor having found her sailing unlawfully equipped for the Slave Trade.

The Marshal reported the arrival of the prize here on the 4th instant, and the prosecution commenced on the same day, the captor's proctor having lost no time in presenting the declaration and ship's papers to the court, and in praying for the issue of the monition and the order for the evidence to be taken.

The declaration sets forth, that capture took place on the 14th of December, 1840, in 8° 10′ south latitude, and 13° 8′ east longitude, the vessel being then under Portuguese colours and bound from Rio de Janeiro to Angola. "Two slave-coppers, 52 casks for water, a large quantity of fire-wood and mess-kits, open hatches, farinha and dried beef, &c.," constituted the illegal fittings of the detained vessel, which, with the opinion of her being really a Brazilian schooner, formed the grounds of seizure.

The following depositions were taken and received in evidence on the 5th instant:—the master, Francisco Pedro Ferreira, deposed That "he was born at Lisbon, which has always been his place of residence when ashore; is a subject of Portugal, and has never served any other state; was appointed to the command of the vessel and possession given to him at Rio Janeiro in October last by the owner, Manoel Antonio Ferreira da Silva, a Portuguese by birth, residing in Rio Janeiro; does not know of what state the said Da Silva is a subject; first saw the vessel in Rio Janeiro at the time he was appointed to the command; does not know where she was built; was on board at the time of capture; does not know for what reason the vessel was seized, unless it be that she was found on the Coast of Africa under Portuguese colours; had also a French flag for a signal. The vessel is called '*Bellona;*' believes she was formerly called '*Josephina;*' does not know her tonnage; she had 14 officers and mariners on board exclusive of witness, all Portuguese, shipped and hired in Rio Janeiro in October last. Neither he nor any of the officers or mariners had any interest in the vessel or her lading; was master on board; the voyage began at Rio Janeiro; does not know where it was to have ended, as his ultimate destination was to depend upon the instructions to be received from the owner's correspondent at Lisbon. The last clearing port was Rio Janeiro; from thence the vessel proceeded towards Santa Catherina with the intention of fishing for whales, and was to have gone from that place to Bahia, where, after discharging his cargo of oil, the consignee of the vessel there was to have given him a cargo for Lisbon, but weather did not permit of his going to Santa Catherina. The vessel did not touch at any port or place from the time of leaving Rio de Janeiro to the date of seizure. The capturing vessel was first seen between Angola and Ambriz, within sight of land, at daybreak on the 14th of December; capture took place there and then; the vessel was becalmed; the course of the vessel was, when the weather would permit, in accordance with her destination as stated in her papers; but the strong gales did not permit her to touch at Santa Catherina as was intended, but compelled witness to steer for the Coast of Africa. There were no instructions for avoiding capture, or for concealing or destroying any of the vessel's papers. Manoel Antonio Ferreira da Silva is sole owner of the vessel; knows it from having the command from him: the said Da Silva is a Portuguese by birth, presently residing at Rio de Janeiro; does not know how long he has lived there or where he resided

previously; knows nothing of any bill of sale, or whether there is any such document in existence; knows nothing of the price of the vessel, or whether it be paid; believes that the vessel will belong to Da Silva if restored. There is no cargo on board, and none has been shipped since he embarked in her. The consignee at Bahia is one Carvalho; does not know his other name; he is a Portuguese, residing and carrying on business at Bahia as a merchant; does not know how long he has lived there, or where he resided previously; does not know the name or anything about the consignee at Lisbon, except that he was to receive his final orders from that person; knows nothing whatever about the last voyage. There has been no cargo shipped during the present one, nor has any slave been taken on board; after capture the vessel was taken direct to Sierra Leone; the papers delivered up are all entirely true and fair; no papers have been destroyed, concealed, or made away with; the vessel was under witness's management in regard to trade till she reached Bahia, when Carvalho was to arrange as to her further proceedings. Witness corresponds with no one respecting the concerns of the vessel; nothing has been taken out since capture; the hatches are not fitted with open gratings; they are close and of wood; the coamings of the hatchways are not bored, and there are no iron bolts or bars on board; there are three bulkheads below the cabin, store-room, and forecastle, and there are two single sleeping-berths on deck; there are six or eight spare planks, short lengths for the repairs of the vessel, not numbered or fitted to any part of the vessel; there is no part of the slave-deck laid; there are no shackles, bolts, or handcuffs on board; there are about 50 or 55 pipes on board; does not know the quantity of water they may be capable of containing; there are no tanks or staves; these pipes were intended for holding whale-oil; does not know what quantity of water was on board at the time of capture; there are some mess-tins for the use of the crew; does not know how many; there were also about a dozen tubs, intended for salting a portion of whales in; there were two large iron boilers on board for preparing the whale-oil; there were three bags of rice and a quantity of farinha, does not know how much; also about 40 bags of beans, two or three bags of Indian corn; also a quantity of jerked beef, does not know how much; the Indian corn was for feeding fowls; the whole of the other provisions witness states were intended for the use of the crew and for no other purpose."

The second deposition was that of one of the seamen, Francisco Lopez, and although meagre and but generally confirmatory of the foregoing evidence, it was all that could be expected from the knowledge of a common sailor.

Publication was granted on the same day that the examinations were taken.

At the instance of the captor's proctor on the 6th instant a commission of survey and inspection went forth, the report under which was filed on the 9th instant; of articles of equipment, the following were found on board:—"Twenty-seven leaguers capable of containing 200 gallons of water each (Winchester measure), a quantity of water far greater than necessary for the consumption of the crew of the vessel; 15 mess-kids and 13 mess-tins, a greater number than requisite for the use of the crew; 2 boilers, 1 capable of holding 24 and the other 38 gallons, a size far greater than necessary for this vessel as a merchant-vessel; a very large quantity of jerked beef, firewood, and calavances on board, besides a great quantity of farinha in bulk, stowed in the after-run underneath the cabin-floor, an amount of provisions more than requisite for the use of the crew."

The monition having expired on the 11th instant, the Court proceeded to trial on that day, and pronounced judgment in the following terms:—

The "*Bellona*," according to her papers, was owned by Manoel Antonio Ferriera da Silva, a Portuguese by birth, but resident at Rio de Janeiro, from which place also she was despatched to Angola on a previous voyage by her owner, consigned to the very notorious Luis Antonio de Carvalho e Castro, whose place of residence is St. Paul de Loando The history of the present adventure is sufficient in itself to show the illegality of the "*Bellona's*" voyage. It commenced at Rio de Janeiro on the 7th of November last, and, according to the owner's instructions to the master, he was to be *now* employed in the fishery, and that the oil obtained was to be delivered at Bahia to Carvalho, who was declared to be living there; and thence the master was to proceed under Carvalho's orders to Lisbon. The papers and clearance from the Portuguese Consulate at Rio accorded with the owner's instructions, and described the "Fishery, Bahia, and Lisbon," as the vessel's route.

On the day after this vessel had quitted Rio a convenient gale was said to have sprung up, which prevented a visit to Santa Catherina, an island close to Rio, and compelled the vessel towards the Coast of Africa. Against the effects of this gale a very formal protest was duly drawn up and signed by the principal persons on board, and the intention of visiting St. Catherine's was then abandoned. The vessel then proceeded on her voyage towards the fishery, and a whale was discovered, which the schooner's two boats had actually succeeded in harpooning, when another gale came on and rendered the abandonment of both fish and fishing tackle absolutely necessary in order to save the lives of the people. This caused, according to another of the series of protests, a total defeat of the objects of the voyage, and induced the officers and crew to resolve upon bearing up for the nearest port. Another very heavy gale was said to have been experienced on the 7th of December, which drove the vessel very conveniently within sight of the Coast of Africa, near Angola, which port it was determined should be entered, but capture took place before this intention could be executed.

Had the "*Bellona*" been uninterrupted, little doubt could have existed but that she would have entered the port of St. Paul de Loando, her real and true destination from Rio de Janeiro, for the gales and whales, which form the burthen of the protests concocted on the voyage, evidently had only an imaginary existence in the minds of the master and crew, to screen if possible the vessel, equipped as she was, from seizure. The Court therefore declared the present voyage similar to the previous one, viz. from Rio to Angola and back again. What the nature of the cargo for Rio was to have been on this occasion the equipment clearly showed.

The surveyor's report having determined the illegality of the "*Bellona's*" fittings, and she having been in a course of trade so questionable, with a character decidedly Brazilian, as well from her course of trade as from the residence of her owner, the Court pronounced the condemnation of the vessel and her cargo under the first Article of the Treaty with Brazil of November, 1826.

(Signed) JOHN JEREMIE.
WALTER W. LEWIS.

No. 118.

Her Majesty's Commissioners to Viscount Palmerston.

Sierra Leone, March 8, 1841.
(*Received May* 29.)

MY LORD,

WE beg leave to acquaint your Lordship, that acting Commander T. E. Symonds, of Her Majesty's sloop "Persian," seized, on the 20th of January last, the Brazilian brigantine "*Nova Inveja,*" Francisco Antonio de Oliveira, master, when she was in the act of entering the harbour of Cabinda, on the ground of her being concerned in the Slave Trade.

The prosecution of the "*Nova Inveja*" on this charge was commenced on the 15th ultimo, before the British and Brazilian Court of Mixed Commission, and terminated in a sentence of condemnation on the 3rd instant, as will appear in our Report of the case herewith enclosed.

This vessel was ostensibly owned by Antonio Fernandez Coelho, of Rio de Janeiro, whence she was despatched with a cargo cleared out at St. Thomas's in the first instance, but with which she proceeded direct to Cabinda, where it was evidently to have been exchanged for a cargo of slaves.

Caetano Jozé Dias, of the island of St. Thomas's, whose connexion with the Slave Trade we drew your Lordship's attention to, when reporting in December last the case of the Brazilian brigantine "*Emilia,*" alias "*Flor de Rio,*" was the joint consignee with the supercargo of the "*Nova Inveja's*" lading.

The ostensible supercargo of the vessel was entered on her muster-roll as an apprentice only, though he appeared to have done duty during the voyage as second in command.

We have, &c.
(Signed) JOHN JEREMIE.
WALTER W. LEWIS.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

Enclosure in No. 118.

Report of the Case of the Brazilian Brigantine "Nova Inveja," *Francisco Antonio de Oliveira, Master.*

Sierra Leone, March 8, 1841.

THE papers found on board of this vessel, at the time of her seizure, were as follows:—

1. Imperial passport for the brigantine, dated Rio de Janeiro, 1st December, 1840, which described the vessel as proceeding to the Cape Verds, St. Thomas, and other ports on the coast of Africa. Antonio Fernandes Coelho is stated therein to be the owner of the brigantine, and the above-mentioned Oliveira, the master.

2. The muster-roll of this vessel showed that she was navigated by a crew of 14 persons, and destined for the Cape Verds, St. Thomas, and the ports of Africa.

3. An official packet, addressed by the Portuguese vice-consul at Rio de Janeiro to the chief of the customs at the island of St. Thomas, dated 1st December, 1840. Enclosed therein was a list of the cargo embarked in this vessel, and which consisted of 95 casks of aguardiente, 6 of gin, and 5 of vinegar, 10 packages of powder, 17 of muskets, 80 of cotton and other dry goods, 1 of trade knives, and 10 of jerked beef, in addition to a little wine, liqueurs, sugar, &c.

4. "Manifest of the cargo," showing the marks, numbers, and contents of each package, by whom shipped, and to whom consigned, drawn up and signed by the master, and certified by the Portuguese vice-consul on the 1st of December last. There were two bills of lading for the cargo, attached to this document, from which it appeared that the whole of the goods had been laden by Coelho, the owner of the vessel, and consigned to Jozé Pinheiro de Andrade, and Caetano Jozé Dias, with the exception of a trifling shipment by Manoel Pinto da Fonceca, for Francisco Antonio de Mideiras, of St. Thomas.

Jozé Pinheiro de Andrade, one of the above-mentioned consignees of the owner's goods, appeared in the muster-roll of the vessel as an apprentice; and the other, Caetano Jozé Dias, by a letter found on board, was shown to be a resident of the island of St. Thomas.

There are two or three trifling differences in the quantities of the cargo, on comparing this paper with No. 3.

5. Bill of health.

6. Receipt for customs dues.

7. Invoice of the cargo shipped in this vessel, describing it as of the value of 30,600 dollars, signed by Coelho, the owner of the brigantine, and consigned only to J. Pinheiro de Andrade, the ostensible supercargo.

8. The instructions of the owner to the master bore date, like the ship's papers, at Rio on the 1st of December last, and were as follows:—

"To-morrow, should the weather permit, you will proceed in my Brazilian brigantine to Cape Verds, touching at St. Thomas, and ports on the coast of Africa, where you will discharge your cargo,

if Señor Jozé Pinheiro de Andrade should so decide; and so soon as you have done this you will go to the Cape Verds, and immediately after your arrival load the vessel with salt, and return direct to this port—receiving from Senhor J. Pinheiro de Andrade, or from Senhor Caetano J. Dias, sufficient funds to load her with, and pay all expenses."

9. The letter from the owner to the aforesaid Jozé Pinheiro de Andrade, the supercargo, as he was styled, was dated, like the above, on the 1st of December, and described the vessel as proceeding to "St. Thomas," and ports on the coast of Africa, with a cargo agreeably to the manifest, for him to exchange for *such articles as he could procure at Ursella*, and ivory and wax; and should he not succeed in obtaining these articles, to discharge the cargo at St. Thomas, arranging with Senhor Caetano Jozé Dias to dispose of the same, and immediately despatch the vessel to the Cape Verds, giving the captain sufficient funds to purchase a cargo of salt, and afterwards to return to Rio."

10. To the joint consignee with Andrade, Caetano Jozé Dias, of St. Thomas, the owner writes under the like date:—"I take this opportunity of sending you, by the Brazilian brigantine '*Nova Inveja*,' a cargo of various articles, agreeably to the manifest, and which I have placed at the disposal of Senhor Jozè Pinheiro de Andrade, or, in his absence, at yours, to be disposed of *at any port you may deem most desirable for the purpose*, and obtain in return ivory and wax *at Ursella;* and should there appear a probability of the vessel being delayed, you will discharge her cargo, and despatch her to the Cape Verds, where she is bound to load with salt, and return to this port."

11 and 12. Two log-books of the voyage, one of which was kept by the master of the brigantine, who is the only officer entered on the muster-roll; and the other apparently by Andrade, the ostensible supercargo. The vessel left Rio on the 3rd of December last, and, sighting St. Helena on her way across the Atlantic, was in the act of entering the port of Cabinda, on the 11th of January last, when she was detained by the boats of Her Majesty's sloop "Persian."

There were found on board this vessel many other papers besides those herein described; but as they were chiefly personal, and all proved unimportant, it appears unnecessary to give a particular account of them.

On the 14th of February ultimo the "*Nova Inveja*" anchored in this port, and was immediately reported to the Court by the Marshal in the usual manner; and on the following day the prosecution of this vessel commenced in the British and Brazilian Mixed Commission. The ship's papers, duly authenticated by the prize-officer, were then filed, together with the declaration of the captor; the monition issued; and the witnesses produced were ordered for examination by the registrar.

The declaration of the seizor was to the following effect:—"I, Thomas Edward Symonds, Esquire, acting commander of Her Britannic Majesty's sloop 'Persian,' hereby declare that, on this 20th day of January, 1841, being off Cabinda, in or about latitude 5° 43′ South, longitude 11° 36′ East, I detained the brigantine "*Nova Inveja*," sailing under Brazilian colours, commanded by Francisco Antonio Oliveira, who declared her to be bound from Rio de Janeiro to the island of St. Thomas, Cape Verds, and sundry ports on the coast of Africa, with a crew consisting of 12 men and 1 supercargo, whose names, as declared by them respectively, are inserted in a list at the foot hereof."

The grounds of detention were then set forth at considerable length by the seizor, the substance of which was, that the hatchways of this vessel were, though not actually fitted with open gratings, prepared by grooves for their reception; and that the after-hatch had been so constructed that, by knocking out each alternate plank, it would then form an open grating; that the cabouse is more capacious than necessary; the quantity of flour, farinha, jerked beef (this is cargo), rice, and maize, was more than the crew required; that the water-casks could contain more water than was needed for the crew; and that the casks on board, said to be filled with spirits, were actually water-casks, they not being of the particular description used by merchants for holding either spirits or wine.

The examination of the master of this vessel took place on the 16th ultimo, before the Registrar, when he deposed That "he was born in Oporto. Has lived for the last 18 years in Rio de Janeiro. Considers himself a subject of Brazil; was formerly a subject of Portugal. Is married; and his wife and family reside in Rio de Janeiro. He was appointed to the command, and possession was given to him, last November, in Rio de Janeiro, by the owner, Antonio Fernandez Coelho, a resident of Rio de Janeiro, and a Brazilian subject. First saw the vessel there and then. She is American built. He was on board at the time of capture. The vessel was seized under the pretence that she was engaged in the Slave Trade. Sailed under Brazilian colours, and had no others. The vessel is called '*Nova Inveja*,' and has never had any other name, to his knowledge. She is 130 or 140 tons burthen, and had 12 officers and mariners, exclusive of himself; 3 or 4 were Portuguese, all the others Brazilians; all shipped and hired by witness in Rio de Janeiro, in November last. Neither he nor any of the officers or mariners had any interest in either vessel or cargo. Was master on board. There was one passenger, Ambrozio Jozé de Lima, a Portuguese merchant, embarked at Rio in December last, for a passage to Angola. Does not know what his business might be at Angola. The said passenger had no interest in either vessel or cargo, nor any authority whatever on board. The voyage began and was to have ended at Rio de Janeiro. That was the last clearing port. From thence the vessel proceeded direct towards Cabinda. Did not anchor or touch at any port or place during her voyage. The capturing vessel was first seen 10 or 12 days after her boat had seized the '*Nova Inveja*.' Capture took place as he was entering the harbour of Cabinda, about nine o'clock A.M. of the 10th of January. There was no chase. The vessel's course was always in correspondence with her papers, the passport being for the ports of Africa as well as for St. Thomas and the Cape Verds. There is no gun mounted. There are 6 muskets and 3 or 4 cutlasses. There was no resistance made, nor were there any instructions to avoid capture, or for concealing or destroying any of the vessel's papers. The owner of the vessel is Antonio Fernandez Coelho. Knows it from having been appointed to the command by him, and by having been so informed by the said Coelho. Does not know where he was born. He has lived many years at Rio de Janeiro, and is a Brazilian subject. Does not know where he resided before. He is unmarried. He believes there was a bill of sale, for he saw a copy in the possession of the owner. Does not know the particulars thereof, or where the said bill of sale now is. Does not know the price of the vessel, or if the same be paid. Believes in his conscience that the vessel, if restored, will belong to the said Coelho, and to no other person. There was no private agreement, to witness's knowledge. The said Coelho is also sole lader and owner of the cargo. The consignee is Jozé Pinheiro de Andrade, the supercargo. The cargo was to have been delivered in Cabinda, on account and risk of the said owner. The said De Andrade has no interest in the cargo, which, if restored, will belong to Coelho, and to no other person. He knows nothing of the last voyage. The

cargo, on the present occasion, is rum, powder, muskets, and dry goods. No slave was taken on board during the present voyage. After capture, the vessel was taken to Sierra Leone. The papers delivered up were and are all entirely true and fair. No papers were destroyed, concealed, or made away with. He knows of the existence of no other papers in any country. There was no charter-party. He does not know whether the vessel or cargo be insured. The vessel was under the management of the supercargo, in regard to her trade. Witness corresponds with the supercargo only in regard to the concerns of the vessel or her cargo. The hatches are not fitted with open gratings. The coamings of the hatchways are not bored, or otherwise fitted to receive iron bars; and there are no iron bars on board, except flat trade bars, which form part of the cargo. There are only the divisions of the cabin and forecastle below; and on deck there are two double sleeping-berths. There are no spare planks. There is no part of a slave-deck laid. There are no shackles, bolts, or handcuffs. There are nine pipes for holding water, capable of containing, witness believes, about 130 gallons each. There are no tanks, nor any staves. There was only a pipe and a half of water on board at the time of capture: the remainder had been consumed on the passage by the crew. There are only two mess-tubs and two tins, for the use of the crew. There is no copper or iron boiler on board. There is one bag of rice, and two or three bags of farinha, for the use of the crew. There is no maize or flour. There is a large quantity of jerked beef, forming part of the cargo."

José Pinheiro de Andrade, who appears on the muster-roll as an *apprentice*, but was described by all parties as the supercargo of the vessel, was the second witness examined on the part of the seizor. Andrade's evidence was generally corroborative of that given by the master. He, however, differed from the master in his account of the passenger on board, describing the said passenger as proceeding to St. Thomas's, and having a few articles of merchandise in the brigantine, all of which were entered in the manifest, when the master had sworn that the passenger was bound to Angola, and had no interest in either the vessel or her lading.

The assertion of Andrade that the passenger had goods entered upon the ship's papers proved to be incorrect; and thus caused a suspicion of his office of supercargo being only a nominal one.

Publication was given on the 17th ultimo.

A commission of survey was issued on the 16th ultimo, at the request of the seizor's proctor, the return to which was not filed until the following 24th, in consequence of its having been necessary to land a large part of the cargo, to afford the surveyors an opportunity of examining the vessel's hold.

The Report of the surveyors stated that they had "found four hatchways on deck, which are not more than is usual in merchant-vessels; but to the fore-hatch wooden bars were fastened underneath, which is not usual in merchant-vessels; and the after-hatchway was so formed, that by knocking out every other plank of the cover it will leave a perfect open grating; and on the outside of this hatchway there were pieces of wood fitted to receive iron bars, only to be found on board vessels equipped for the Slave Trade. Two bulk-heads—those dividing the forecastle and cabin from the hold—which divisions are not more than necessary for the vessel as a lawful trader. Also two double bunks, or sleeping-berths, on deck. One slave-shackle bolt. Nine water-casks on board, capable of containing 1008 gallons of water, a quantity not required for the consumption of the crew of the vessel as a merchant-vessel. One night-tub, but no mess-kids or tins. Four iron kettles or boilers (cooking utensils), capable of holding 17 gallons in all, which we consider more than this vessel requires in the prosecution of lawful trade. There was nothing extraordinary in the construction of the cabouse. One bag of Indian corn, nine bundles of jerked beef, and a small quantity loose, eight bags of farinha, and a quantity of farinha mixed with biscuit, equal to about four casks—an amount of provision more than requisite for the use of the crew of a merchant-vessel."

The monition, which was issued on the 15th, was returned into Court duly certified to have been served on the 22nd ultimo; and on the following 26th the seizor's proctor declared his case closed, and petitioned for a day of trial, which was accordingly appointed for the 3rd instant.

In giving judgment herein, the Court remarked that the cargo with which the "*Nova Inveja*" had been seized was, with a trifling exception, all owned by Antonio Fernandez Coelho, a resident of Rio de Janeiro, who also appeared in the ship's papers as the proprietor of the vessel. The little addition to the cargo of the brigantine, above referred to, consisted of a shipment of seven sacks of beans, or calavances; and three boxes, the contents of which were not stated in any of the papers, and which were consigned to Francisco Antonio Mideiros, of St. Thomas's, by M. P. da Fonçeca, of Rio.

The cargo of Coelho was consigned to the supercargo of the brigantine, José Pinheiro de Andrade, and, in his absence or demise, to Caetano José Dias, of St. Thomas's; and the instructions of Coelho to the master of the vessel were, that this cargo was to be discharged according as the supercargo might direct, at St. Thomas's, or other ports of Africa. These orders were confirmed in the owner's instructions to the supercargo; and it was therefore plainly to be inferred that St. Thomas's on the Line was the first port of destination for this vessel, particularly as that island was the place of residence of Dias, the joint consignee of the merchandise shipped by the owner of the vessel, as well as of Mideiras, who was to receive the goods embarked by Fonceca at Rio.

This opinion the Court considered was strongly supported by the fact of the passport naming St. Thomas's, with the other ports of Africa, as the vessel's course; and also by the Portuguese vice-consul at Rio de Janeiro having officially addressed the vessel's manifest to the Custom-house at St. Thomas's, which he would not of course have done, had not that port been represented to him as her destination in the first instance.

There did not, however, appear to have been any intention of visiting St. Thomas's, if an opinion could be formed from the course pursued by the master of the brigantine on her leaving Rio, he having taken her direct to the notorious slaving port of Cabinda. This deviation from the vessel's course the master and supercargo had attempted to explain by stating that it was authorised by the ship's papers.

The Court, however, viewed this proceeding as affording reasonable and strong grounds of suspicion respecting the voyage in which the vessel had been detained; for, had legitimate trade been the real and sole object in view, the Court held that St. Thomas's, where there is some lawful commerce, would not have been abandoned for the well-known slaving mart of Cabinda; and that, too, for the purpose of carrying to the latter place as well an assorted cargo for slave-trading as was usually seen.

The inference from these circumstances the Court observed was unfavourable to the character of the adventure.

The Court then proceeded to examine the owner's instructions to the master and supercargo of the vessel, and his letter to the joint consignee at St. Thomas's, to learn therefrom in what way the

outward cargo was to have been disposed of, and of what the return for that cargo was to have consisted.

The orders to the master were to discharge the goods laden at Rio, according to the supercargo's wishes, either at St. Thomas's or some other African port; and then to proceed to Cape Verds for salt for the Rio market. These orders were confirmed in the instructions to the supercargo; and it was added in the latter that the outward lading was to be bartered for *such things as could be procured at Urzella*, and for wax and ivory. In the letter to Dias, the conditional consignee who resides at St. Thomas's, he is directed to dispose of the Rio cargo *at any port he may think desirable*, but he is, nevertheless, to obtain in return the wax and ivory *at Urzella;* and is told that if any delay in so doing appears likely to occur, he is to discharge the said cargo at St. Thomas's, and then send the vessel to the Cape Verds for salt. Dias was therefore plainly instructed to return the detained vessel to Rio laden with wax and ivory; and in the event of his being unable to do so promptly he was only then instructed to send her to the Cape Verds for salt, whilst the master is positively directed to carry back salt to Rio.

These uncertain and in part contradictory orders from the owner of the vessel having been all written on the same day, the Court was of opinion afforded anything but satisfactory proof of the correctness of the writer's intentions. For, had he had only plain orders to issue for a lawful commercial voyage to the coast of Africa, he could of course have made his three sets of instructions in perfect accordance with each other; and, his having failed to do so, the circumstance must be viewed as another unfavourable feature in the character of the adventure.

The Court also remarked that Andrade, who had been described by all parties as the supercargo of this vessel, was, according to the muster-roll, an apprentice on board—a fact which both he and the master had suppressed when giving evidence. Connecting that fact with the contradictory accounts given by the master and Andrade of De Lima, the passenger who was found on board, with the ignorance displayed by Andrade respecting the extent of the cargo and the contents of the ship's papers, as well as with the fact of his having done duty apparently as second in command, and kept a log of the voyage, the Court concluded that Andrade's office of supercargo was only nominal; and as De Lima had not an official passport as a passenger, that he was in reality the supercargo.

In respect to this vessel's equipment, the Court remarked that the surveyors' report had proved she had more divisions on deck than were necessary for her as a merchant-vessel, there being the regular cabin and forecastle accommodation below; that the after-hatchway was unlawfully fitted for a merchant-vessel, whilst the other hatches were so fitted as to lead to suspicions unfavourable to the character of the vessel; that there were 168 gallons of water more than the 14 persons forming her crew needed for a passage of 60 days; and that there was more maize, farinha, and biscuit than was requisite for the crew, and which formed no part of the cargo. These circumstances were considered as evidence of the intention of the parties concerned in the "*Nova Inveja*" to violate the provisions of the Treaty between Great Britain and Brazil; and, to prevent their operating injuriously, the master should have shown that the said articles and fittings were for lawful purposes only; but this he had neglected to do.

The Court, in alluding to the fact of a long slave-shackle bolt and a slave night-tub having been found in this vessel, observed that such articles must be presumed to have been left on board from a previous slaving voyage, and that the reasonable inference from their presence in this voyage was, that the object on both occasions was the same.

On taking the whole of these circumstances into consideration, the Court declared that they must be held as furnishing satisfactory evidence of the intentions of those concerned in the "*Nova Inveja*" to employ her otherwise than in lawful commerce; and drawing the only inference which seems reasonable, from the fact of her having been employed to carry, contrary to the terms of her ship's papers, a particularly well-assorted cargo for the Slave Trade to one of the most notorious slave ports on the Coast, and from her having been partly equipped in a manner peculiar to vessels engaged in that trade, the Court decided that she had been concerned in the illicit traffic, and accordingly decreed the confiscation of this vessel and her cargo.

(Signed) JOHN JEREMIE.
WALTER W. LEWIS.

No. 119.

Her Majesty's Commissioners to Viscount Palmerston.

Sierra Leone, March 18, 1841.
(*Received May* 29.)

My Lord,

In this Despatch we beg leave to enclose our Report of the case of the Brazilian schooner "*Bom Fim*," Jozé Pinto de Araujo, master, seized by Her Majesty's sloop "Persian," to the south of the Equator, on the 20th of January, 1841, and condemned here for illegal equipment on the 10th instant.

This small vessel, although only 55 tons burthen, was navigated by a crew composed of no less than 11 persons; and carried on her unlawful trade between Rio de Janeiro and the ports of Southern Africa. Had she been successful, it would have been difficult to have calculated the sum of wretchedness and misery which her human cargo must have undergone in the unusually close confinement of this vessel's hold during a Transatlantic voyage. That the Slave Trade formed the object of the expedition there could be no doubt; the presence of illegal fittings, the numerous crew, the nature and route of the voyage, one and all amply testifying to such an intention.

After the Marshal had discharged the cargo of the "*Bom Fim*" for sale, he discovered two pipes of water, each containing 120 gallons, which had been stowed away in the ground-tier of the pipes of rum, and, being thus mixed up with the spirits, neither the Marshal nor the Surveyors had detected them until sentence had passed upon the vessel.

The owner, Jozé Bernárdino de Sá, has on two previous occasions attracted our attention as an active slave-trader. In 1834 he disposed of the "*Maria de Gloria*" (adjudicated here in that year) to Anastacio Jozé Ribeiro, at Rio de Janeiro. More recently he appeared as the owner of the brig "*Republicano*," condemned here on the 5th of June, 1840.

We have, &c.
(Signed) J. JEREMIE.
WALTER W. LEWIS.

The Right Hon. Viscount Palmerston, G.C.B.,
&c. &c. &c.

Enclosure in No. 119.

Report of the Case of the Brazilian Schooner "Bom Fim," *Jozé Pinto de Araujo, Master.*

Sierra Leone, March 18th, 1841.

At the time of the seizure of this vessel there were found on board of her the following papers for the voyage:—

1. Passport.
2. Muster-roll.
3. Manifest and bills of lading of cargo.
4. Consul's sealed list of cargo.
5. Certificate of tonnage.
6. Bill of health.
7. Customs' receipt.

These papers all bore date at Rio de Janeiro on the 12th or 13th of November, 1840, excepting only the certificate of tonnage, which was granted on the 30th of August, 1837. Their contents showed that the schooner was owned by Jozé Bernardino da Sá, of Rio, was 55 tons burthen, commanded by the above-named Araujo, bound to the Island of St. Thomas by the way of the southern ports of Africa, with a cargo of bale goods and spirits; in addition to a very large supply of farinha, beans, and jerked beef; all shipped by Manoel Antonio da Silva, and consigned, according to the manifest, the bale goods and spirits to Luis da Costa Ferreira, or, in his absence, to Felipe da Cunha Val; and the slave-provisions to the said master. In the bills of lading the said bale-goods and spirits had a third consignee in the person of the master himself. The Portuguese Vice-Consul's sealed list of the cargo was addressed to the Custom-house at St. Thomas's alone, evidently under the impression that the schooner was going direct to that island in the first instance.

It is worthy of remark that the bills of lading give no certain place of residence for the ostensible consignees of the bale goods and spirits, and that, although there was a large number of papers seised in the schooner, there was not a line to be found advising the said consignees that the schooner was nearly full of merchandise for them.

8. Protest of master.
9. Log-book of the master.
10. Ditto of mate.

The protest was made on the 22nd of November, 1840, against the effects of a gale of wind, which was said to have damaged both vessel and cargo. The master's and mate's logs did not, however, bear out the protest, as it was observed that the day of the gale, according to the protest, was very fine by the log, the schooner having gone from three to four knots all day before the Trade wind. That the vessel was leaky was shown by the condition in which the cargo arrived here; but this condition was in no way the result of bad weather according to the two log-books, and the protest must therefore be considered of very questionable character.

Jozé Pinto de Araujo had been formerly master of the "*General Cabreira*" in 1838, and made a voyage between Rio and St. Paul de Loando, as appeared by two of his old log-books found in the schooner; and had also commanded the sumaca "*Vencedora Feliz*," formerly the "*Pançāo Feliz*," which he cleared out at Rio for the Cape Verds, but conveyed direct to Benguela, and thence back to Rio during last year.

There were several official and private papers connected with the above-mentioned voyage of the "*Vencedora Feliz*" also found, but they failed to afford any further insight into the real character of that voyage than showing that she carried out 33 pipes in shakes, which were landed at Benguela to be set up; and it is only reasonable to suppose they were to hold water for a cargo of slaves, seeing that the vessel had gone out of her official route as far to the south of the Equator as she ought to have proceeded to the north.

The remainder of the papers seized proved to be generally unimportant, and many very old.

On the 2nd of the present month of March the Marshal reported the arrival in this harbour of the detained schooner, and on the following day her prosecution commenced in the British and Brazilian Court of Mixed Commission. The ship's papers, authenticated by the prize-officer, were, with the captor's declaration, then filed, the usual monition issued, and the witnesses produced ordered for examination by the Registrar.

The declaration of Acting-Commander T. E. Symonds, of Her Majesty's sloop "Persian," was to the effect, that, on the 20th of January, 1841, he detained the schooner "*Bom Fim*," in a voyage from

Rio de Janeiro to various ports on the Coast of Africa, in consequence of the said schooner having an illegal equipment in respect to water-casks, slave-provisions, and kits, and in having her hatchways illegally fitted.

On the 4th instant the master of this vessel was examined on the standing and special interrogatories, and deposed That "he was born at Vianna, in Portugal; has lived for the last 31 years with his wife and family at Rio de Janeiro. Is a subject of Brazil; was formerly a subject of Portugal. Was appointed to the command and possession was given to him, at Rio de Janeiro in October last by the owner, Jozé Bernardino da Sá, a resident of Rio de Janeiro and a Brazilian subject. First saw the said vessel there and then; she is Brazilian built. Was present at the time of capture; does not know under what pretence the vessel was seized; sailed under Brazilian colours, and had no others. The vessel is called the '*Bom Fim*,' and has never had any other name to witness's knowledge. She is 55 tons burthen, and had 10 officers and mariners, exclusive of witness, all Brazilians, shipped and hired by the owner at Rio de Janeiro in October and November last. Neither he nor any of the officers or mariners had any interest in vessel or cargo; was master on board; there was no passenger. The voyage began and was to have ended at Rio de Janeiro—that was the last clearing port; from thence the vessel proceeded towards St. Thomas's, but did not touch or anchor at any port or place previously to her capture. The capturing vessel was first seen 17 days after her boat had seized the '*Bom Fim.*' Capture took place on the 12th of January, between Loando and Molembo, and within sight of land; there was no chase; it was calm; the vessel's course was always, weather permitting, for the port of her destination, but foul winds did not allow of his steering direct for St. Thomas's, but compelled him in the first instance to make the Coast of Africa. There is no gun, nor any arms, nor ammunition; there were no instructions for concealing or destroying any of the vessel's papers. The owner is Jozé Bernardino da Sá; knows him to be the owner from the vessel's papers; he is a Portuguese by birth, but a naturalized Brazilian, and has lived at Rio de Janeiro for many years; the said owner is not married; does not know where he lived before he resided at Rio. He knows nothing of any bill of sale, or the price of the vessel, or whether the same has been paid; believes the vessel, if restored, will belong to the said Jozé Bernardino da Sá, and to no other person; knows nothing of any private agreement. Part of the cargo was laden by and belongs to the owner of the vessel, and part was laden by and belongs to other merchants of Rio de Janeiro, whose names he does not remember, but saith they are stated in the manifest. The consignees at St. Thomas's were one Felipe and one Luis, of whom he knows nothing further. The cargo on board was to have been delivered at St. Thomas's on the account and risk of the said Jozé Bernardino da Sá and the other laders thereof, and, if restored, will belong to them and to no other persons; knows nothing of the former voyage; the lading on the present occasion consists of aguardiente, dry goods, and provisions; no slave was taken on board during the present voyage. After capture the vessel was taken into Cabinda, and afterwards brought into this port; the papers found on board are all perfectly true and fair; no papers were destroyed, concealed, or made away with; there was no charter-party that he knows of; does not know whether the vessel or cargo be insured; the vessel was to have been under the management of the consignees whom he has named in regard to her trade; witness corresponds with no person with regard to the vessel or her cargo. The hatches are not fitted with open gratings; the hatchways are not bored, and there are no iron bars in the vessel; there are the divisions of the cabin and forecastle only below, and on deck there are two single sleeping-berths; there are no spare planks; there is no part of a slave-deck on board; there are no shackles, bolts, or handcuffs on board; there are five or six little casks and eight or nine pipes capable of containing altogether about ten pipes of water; there are no tanks or staves or other means of conveying water; at the time of capture there was about a pipe and a half of water on board, which was not considered sufficient to supply the vessel to Sierra Leone, as three pipes were afterwards put on board by the man-of-war; there are three mess-tubs for the use of the crew; there are only two or three small coppers used by the crew for cooking their provisions; there were three bags of rice and thirteen of beans; the rice was for the use of the crew, and the beans were part of the cargo; there were also about thirty bags of farinha, part of the cargo, and a small quantity of jerked beef for the use of the crew."

Antonio Marques Vianna, the cook of this vessel, was the second witness examined, and proved generally uninformed in respect to the vessel, as well as to her cargo. He however confirmed the testimony of the master as to the equipment of the vessel, but assigned as the reason of her being so much "out of their course (for the island of St. Thomas), that the captain had said, by running into the coast, they would get a more favourable wind to take them to that island."

Publication was granted on the 4th instant.

The report of the surveyors, who had been appointed on the 3rd instant to examine the fittings and equipment of this vessel, was not received until the 9th instant, owing to the delay occasioned by having to land a considerable portion of the cargo. The surveyors reported That they "found close hatches, such as are usual in merchant-vessels, with the exception of the main-hatch, which was of unusually large dimensions, being 9 feet in length. The hatches are not more in number than necessary. They found two bulkheads, those dividing the cabin and forecastle from the hold, which divisions are not more than necessary for the vessel as a lawful trader. They also found two loose bunks or sleeping-berths on deck. They found 16 water-casks capable of containing 1540 gallons of water, a quantity far exceeding what is necessary for the consumption of the crew of this vessel as a lawful trader; they found eight mess-kids, a quantity more than necessary for the crew; they found one shackle-bolt; they found ten bags of calavances, 13 bags of farinha, besides a very large quantity in bulk stowed away in the cabin, two bags of Indian corn, and a large quantity of jerked beef, forming an amount of provisions much greater than necessary for the consumption of the crew of this vessel as a lawful trader."

The monition which had been issued in this case on the 3rd was returned into Court on the 10th instant, and on the same day the captor's proctor closed his proceedings, and prayed for adjudication.

The Court assembled for the trial of the "*Bom Fim*" on the 13th instant, and, in giving judgment, observed that the surveyors' report had proved that she was illegally equipped in three respects, namely, in having more divisions on deck than necessary for a lawful trader, an excess of mess-kids, and more water-casks than were requisite for the use of the crew; and, as no sufficient explanation had been offered by the master respecting this questionable equipment, the Court held the captor's charge against the "*Bom Fim*" proved.

It was also observed that were it important to assign additional reasons for the Court pronouncing

this vessel to have been engaged in the Slave Trade when seized, they would be satisfactorily found in the fact of the owner of the vessel being notoriously concerned in the Slave Trade; in the contradictions given to the official manifest and bills of lading by the master in his evidence; in the circumstance of a very large quantity of slave-provisions being covered as cargo by the name of the master as their consignee; in the manifest having been interpolated in respect to the vessel's destination, and in several other false and fraudulent proceedings which the Court would not recapitulate.

The sentence of the Court was, that the "*Bom Fim*" and her cargo were good and lawful prize to the Crowns of Great Britain and Brazil.

(Signed) J. JEREMIE.
WALTER W. LEWIS.

No. 120.

Her Majesty's Commissioners to Viscount Palmerston.

Sierra Leone, April 12, 1841.

MY LORD, (*Received June* 16.)

WE have the honour to report herewith the case of the Brazilian schooner "*Juliana*," owned at, and sailing from Bahia, on a voyage ostensibly to Fayal for emigrants or colonists, but really to the coast of Africa for a cargo of slaves. The seizure took place off Whydah, on the 12th of February, 1841; Her Majesty's brigantine "Buzzard" having fallen in with the "*Juliana*" in that latitude, and found her equipped for the Slave Trade.

The prosecution of the prize began on the 26th ultimo, and ended on the 6th instant, with the confiscation of the vessel and cargo.

In pronouncing sentence in this case the Court felt bound to deprecate a departure from the 8th section of the Instructions to Cruisers, which had appeared in this case, from the captor having sent but one witness up in his prize. The difficulties likely to arise from such a practice are so manifold, that, to obviate them in future, the proctor was directed to communicate this irregularity to his client with a view to prevent a recurrence of it.

We have, &c.

(Signed) WALTER W. LEWIS.
L. HOOK.

The Right Hon. Viscount Palmerston, G.C.B.,
&c. &c. &c.

Enclosure in No. 120.

Report of the Case of the Brazilian Schooner "Juliana," *Daniel Flintes Coilho, Master.*

Sierra Leone, April 12, 1841.

THE "*Juliana*" sailed from Bahia, the residence of her Brazilian owner, Joaquim Rodriguez Pinto, in December, 1841, on an ostensible voyage to Fayal, in the Azores. The ship's papers consisted only of

1. Imperial passport;
2. Muster-roll;
3. Bill of Health;

dated severally on the 11th, 9th, and 12th of December, 1840, at Bahia. The two last agree as to Fayal being the vessel's destination; whilst the passport is silent on the subject. The vessel is American-built, 108 tons burthen, and navigated by a numerous crew of 26 persons. If any faith is to be placed in the master's statements, the course of the voyage was somewhat singular and unusual. Instead of the direction to Fayal being pursued, where it is said that emigrants would be embarked for Brazils, the vessel, impelled by calms and currents, made the coast of Africa, near Cape Palmas, and was eventually driven on by the same causes as far as Whydah. Her Majesty's brigantine "Buzzard" fell in with the "*Juliana*" on the 12th of February, 1841, and detained her for being equipped for the Slave Trade.

The Marshal reported the arrival of the prize on the 26th of March; and on the same day the captor's declaration, the three ship's papers, and the affidavit of seizure were filed, the monition issued, and the evidence directed to be taken. The declaration is to the following purport:—"I, Reginald Thomas John Levinge, Lieutenant, Royal Navy, and commander of Her Britannic Majesty's brigantine 'Buzzard,' hereby declare that on this 12th day of February, 1841, being in or about latitude 5° 41′ north, longitude 2° 39′ east, I detained the schooner named the '*Juliana*,' sailing under Brazilian colours, armed with no guns, commanded by Daniel Flintes Coilho, who declared her to be bound from Bahia to Fayal, with a crew consisting of 26 men, and being equipped for the Slave Trade, having a slave-deck laid, a large quantity of fresh water in leaguers and casks; also a large quantity of rice, farinha, and jerked beef; a quantity of tins such as are used in slave vessels for feeding slaves.

"And I further declare that I seized this vessel as a Brazilian vessel employed in the Slave Trade."

Only one witness, the master, had been sent up by the captor, a measure much to be deprecated both as a departure from the Treaty between Great Britain and Brazil, and as a very probable cause of curtailing evidence to an extent which might involve a case in many difficulties. In this instance,

however, the master's ready admissions of guilt saved the prosecutor from the obstacles which, from his own omission, might have been anticipated. The Registrar examined Daniel Flintes Coilho on the 27th ultimo. His deposition was as follows:—" Was born in Bahia, and has always lived there. Is a Brazilian subject, and has never served any other state. Was appointed to the command and possession given to him at Bahia in December, 1840, by Joaquim Rodriguez Pinto, the owner and the resident of Bahia, and a Brazilian subject. First saw the vessel at Bahia about two years since; she is American-built. Was present at the time of capture. Does not know for what reason she was seized. Sailed under Brazilian colours, and had no others. The vessel is called '*Juliana*,' and has never borne any other name to witness's knowledge. She is of 108 tons burthen, and had 25 officers and mariners, exclusive of witness, at Bahia in December last. Neither he nor any of the officers or mariners have any interest in the vessel or her lading. Was master on board. The last clearing port was Bahia; and the voyage commenced and was to have ended there; from thence the vessel proceeded towards Fayal, but was driven by the currents to the coast of Africa, near Cape Palmas, whence calms and currents carried her till off Adjudah (Whydah); but no communication took place between the said vessel and the shore during the present voyage. The capturing vessel was first seen about 30 miles outside of Adjudah, at about 4 P.M. on the 12th of February last; capture took place about 9 P.M. of the same night. The vessel was steering for Adjudah at the time her course was altered, and additional sail was hoisted, because witness had heard that all vessels found on the Coast by English men-of-war were captured. The course of the vessel was always, wind and weather permitting, to the port to which she was destined by her papers; but she was carried to the southward by currents and calms, and was proceeding towards Adjudah for provisions when captured. There were no instructions for concealing or destroying any of the vessel's papers. The owner of the vessel is Joaquim Rodriguez Pinto; knows it from having been appointed to the command by him. The said owner is a native of Bahia, and resides there with his wife and family. There is a bill of sale from the former owner (an American, whose name witness does not recollect) to the said Joaquim Rodriguez Pinto. Does not remember the date, or witnesses' names or price; last saw the said bill of sale in the owner's possession at Bahia, in November last. Believes the sale to have been a true one. Does not know of any private agreement. There is no lading on board the vessel. The only consignee was a person at Fayal, whose name he does not remember, but to whom he had a letter from the owner, which he lost going on board the man-of-war on the night of capture. The vessel was going to Fayal for colonists or emigrants from that island to Bahia. Knows nothing of the lading of the vessel on the former voyage. There was no cargo shipped on the present occasion. No slave was taken on board during the present voyage. After capture she was taken into Adjudah, and thence to Sierra Leone. The papers delivered up were and are all true and fair; no papers were destroyed, concealed, or made away with. Knows of the existence of no other papers than those he had mentioned in any country relating to vessel or cargo. The vessel is not insured; she is under the management of witness in regard to her trade, and witness corresponds with the owner only regarding her. Nothing was taken out of the vessel at the time of capture. Nothing has been taken out of the vessel since her arrival in this port. The hatches are not fitted with open gratings. The coamings of the hatchways are bored, and there are iron bars to fit them; does not know for what purpose; found them on board the vessel when he joined her. There are below the divisions of the cabin, steerage, and forecastle, and on deck two single sleeping-berths fixed in the deck. There are some spare planks, perhaps 30 or 40; they are rough, and not marked or numbered, and were intended for the passengers to lay upon. There is no part of a slave-deck laid. There were no shackles, bolts, or handcuffs. There are about 12 large casks and a number of small ones, capable of containing altogether about 40 pipes, all filled with fresh water at the time of capture for the purpose of ballasting the vessel. There are about 30 mess-tins for the use of the vessel. There is a large iron boiler on board intended for the use of the passengers to be shipped at Fayal. There was about half a barrel of flour and one bag of rice for the crew, and about 80 or 90 bags of farinha, 8 bags of beans, 15 or 16 cwt. of jerked beef, and 18 bags of Indian corn, for the use of the passengers from Fayal."

On the same day publication of the foregoing evidence was granted at the instance of the captor's proctor. A commission for the survey and inspection of the "*Juliana*" went forth on the 27th of March, and the report under it was dated and filed on the 1st of April, 1841. The surveyors found three close hatches, a number not more than sufficient for a merchant-vessel; but the coamings of the main-hatchway were bored for the reception of iron bars; also 12 round hatch-bars on board, which fit the holes of the above combings. Two bulk-heads separating the forecastle and cabin from the hold, which divisions are not more than necessary for the vessel as a lawful trader, and single bunks or sleeping-berths on deck; a slave-deck partly laid. Thirty-six water-casks capable of containing 4640 gallons of water—a quantity much more than necessary for the consumption of the crew of the vessel as a merchant-vessel. Two night-tubs on board; two boilers capable of holding 50 gallons, which is more than requisite for the use of the crew as a merchant-vessel. A very large quantity of farinha, calavances, and Indian corn in bulk on board, being an amount of provisions more than necessary for the use of the crew of the vessel as a merchant-vessel.

The monition having become due on the 3rd of April, the captor's proctor presented a petition for a day of trial, which was named for the 6th instant. From the report of survey, as above quoted, the Court could entertain no doubt as to the unlawful equipment of the "*Juliana*," and, fully satisfied upon this point, pronounced the confiscation of the vessel and cargo for a breach of the Brazilian Convention.

(Signed) WALTER W. LEWIS.
L. HOOK.

No. 121.

Her Majesty's Commissioners to Viscount Palmerston.

Sierra Leone, April 12, 1841.
(Received June 16.*)*

MY LORD,

WE have the honour of reporting to your Lordship that the Brazilian brigantine "*Orozimbo*," Mathias Jozé de Carvalho, master, was captured on the 8th

of January last, off the harbour of St. Paul de Loando, in the act of attempting to escape from Her Majesty's sloop "Fantôme" and the brigs "Waterwitch" and "Brisk;" to which cruisers the "*Orozimbo*" was declared a good prize on the 6th instant.

Our Report of this case we herewith enclose for your Lordship's information.

The "*Orozimbo*" did not reach this harbour until the 28th of March ultimo, owing chiefly to the unfortunate death of Lieutenant Clayton, the prize-officer, from an attack of fever, not very long after leaving the capturing ships.

This vessel belonged to the port of Rio de Janeiro, where her owner, Antonio Moniz Alves Branco, resides.

In this instance capture was attempted to be avoided, first by running for the port of Loando, as above-mentioned, and ultimately by the production of a clearance and other Custom-house papers from Loando for Montevideo, whither it was alleged the brig was proceeding to deliver farinha, beans, and jerked beef; the latter article being a staple production of Montevideo. This artifice was readily seen through by the experienced officer in command of the "Fantôme;" and an examination of the "*Orozimbo's*" equipment soon confirmed his opinion of her being engaged in the Slave Trade.

On board of this vessel, in the character of second mate, was found Jozé Antonio Soares d'Araujo, who was lately acting as supercargo of the condemned Brazilian brig "*Onze de Novembro.*" On this occasion he had also a passenger's passport, which stated he was proceeding to Cabinda on business, at which port there can be little doubt it was the intention to have embarked the slaves of the "*Orozimbo.*"

Instead of the usual wooden mess-kits found on board slave-vessels, the "*Orozimbo*" was provided with little wicker baskets, which appeared well calculated to answer the purpose for which they were intended.

It will be observed by our report of this case, that a bond of 400 milreis was entered into at the Custom-house of Loando by the consignee there, Arçenio Pompilio Pompeo de Carpo, and the master of this vessel, that she should not be employed in the Slave Trade; at the same time, however, she was allowed to clear out nearly fully equipped in every respect for that traffic.

We have, &c.
(Signed) WALTER W. LEWIS.
L. HOOK.

The Right Hon. Viscount Palmerston, G.C.B.,
&c. &c. &c.

Enclosure in No. 121.

Report of the Case of the Brazilian brig "Orozimbo," *Mathias Jozé de Carvalho, Master.*

Sierra Leone, April 12, 1841.

THIS vessel was seized by Her Majesty's sloop "Fantôme," on the 8th of January, 1841, on a charge of being concerned in the Slave Trade, and was placed under the charge of the second lieutenant of that ship, Mr. Clayton, for conveyance to this port for adjudication. A parcel of papers, in number 58, connected with this prize were intrusted to Mr. Clayton, but under what particular circumstances we have been unable to learn, owing to the demise of that gentleman on the 7th of February last whilst on the voyage hither.

Of the 58 papers alluded to, the master, at his examination in chief, acknowledged 26 as belonging to the vessel, and which are as follows:—

1. Passport dated Rio de Janeiro, September 11, 1840, for this vessel, which is described as being owned by Antonio Moniz Alves Branco, commanded by the said Mathias Jozé de Carvalho, and bound thence to Angola and Benguela. The endorsements upon this document show that she was at Benguela on the 23rd of October, 1840; proceeded thence to Loando on the 10th of November; was at Angola on the 17th of November, whither she is said to have gone under protest; and that she cleared out at that place for Montevideo on the 23rd of December, 1840.

2. Muster-roll, dated at Angola on the 23rd of December, 1840, showing that the brig carried a crew of 19 persons, and was bound for Montevideo, as above-mentioned.

3. Manifest of the cargo prepared by the master of the vessel, and authenticated by the Customs at Loando, dated 23rd December. The cargo, which consisted of the following articles, was shipped by Arçenio Pompilio Pompeo de Carpo, the alleged consignee at Loando, and consigned to various persons agreeably to the bills of lading annexed to this document:—

600 mats.
6500 billets of wood (fire-wood).
400 measures of farinha, and some trifles consigned to various persons besides.
200 measures of farinha.
60 arrobas salt meat (jerked beef),

which latter were to the order of the master.

4. Bill of health.
5. Receipt for port charges.
6. Certificate dated Loando, December 23rd, 1840, that the above-mentioned Pompeo, the consignee, had been jointly bound with the master, under a penalty of 400 milreis, that no one should be embarked without a passport, and that the vessel should not be engaged in the Slave Trade.
7. Certificate that the consignee had offered security for the master faithfully delivering the 600 mats embarked in the brig at the port of her destination.
8. Receipt for port dues.
9. Protest, dated at sea, January 8, 1841, against the consequences of having to return into the port of Loando, on account of the illness of Antonio Joaquim da Silva Porto, one of the passengers on board. This protest would seem to have been framed merely as an excuse for running back into port on being chased by her Majesty's sloop " Fantôme."
10. Fort pass.
11 and 12. Receipts for port charges.
13. A list of the cargo corresponding with No. 3, addressed by the Custom-house at Loando to the Portuguese Consul at Montevideo.
14 to 20. Letters addressed to Jozé Francisco de Chagas, who appears as first mate of this vessel on her muster-roll. They are chiefly letters from the father of Chagas on private family matters. In one letter, however, the father instructs the son to receive from Senhor Britto, of Angola, the value of a pipe of spirits, with which he is to purchase a slave.
21 to 26. Manuscript navigation books.

Of the remainder of the 58 papers found in this vessel it appeared that Nos. 27 to 30 belonged to the said first mate, and were entirely of a private character.

31 to 41 belonged to João Antonio Soares d'Araujo, who was entered on the muster-roll as second mate.

42 to 57 were miscellaneous papers; and

58 was the log-book of this vessel for the voyage in which she had been detained.

Among the papers belonging to the second mate, Soares d'Araujo, there appeared to be only three which called for any description; one of which was a memorandum by the said Soares, of the date on which he sailed from Rio, in the Brazilian brig " *Onze de Novembro*," and of that on which the said brig was captured by Her Majesty's sloop " Fantôme;" the second was a certificate from the Governor of Loando, that Soares had, on the 18th of November, 1840, appeared there, and represented the circumstances of the capture of the said Brazilian brig; and the third an official passport for Soares to proceed as a passenger to Cabinda on business.

The miscellaneous papers afforded very little information indeed; one only of the letters from Antonio Maciel at Angola, to Antonio Gomez Moreira of Rio de Janeiro, proving their connexion with the Slave Trade; and a log-book of the brig " *Fortuna*," showing that she made a voyage last year between Rio and Loando and Benguela.

On the 28th of March the " *Orozimbo*" arrived in this harbour, and was reported by the Marshal. The captor's proctor libelled his case in the British and Brazilian Court on the 30th, and then filed the vessel's papers with an affidavit of the facts of the seizure, made by one of the prize-crew, in consequence of the death of Lieutenant Clayton; as well as the captor's declaration. The monition at the same time issued, and orders were given for the examination of the witnesses.

The declaration of Commander E. H. Butterfield, which is witnessed by the commanding officers of Her Majesty's brigs " Waterwitch" and " Brisk," shows that the capture took place on the 8th of January, 1841, in latitude 8° 40′ south, longitude 13° 0′ east; the " Waterwitch" and " Brisk" being in company; that the prize was then sailing under Brazilian colours, and commanded by Mathias Jozé de Carvalho, who declared her to be bound from St. Paul de Loando to Montevideo; and that she carried the undermentioned articles of equipment, which constituted the grounds of capture, namely, more than the required number of bulk-heads; an unnecessary quantity of water and a number of water-casks; " mess-baskets" instead of mess-tubs or kids for feeding slaves; an extraordinary quantity of rice, beans, farinha, and Brazil beef; a large quantity of fire-wood; and sufficient matting to serve the purposes of a slave-deck. At the close of this paper Captain Butterfield declares " that the prize made every effort to evade capture; that, on being chased, she steered for the harbour of St. Paul de Loando, the master giving as a reason for so doing that one of his passengers was sick, and produced a protest signed by himself and crew on the morning of capture, a subterfuge well known in Slave Trade transactions."

The Registrar examined the witnesses on the 30th ultimo, when the master, Mathias Jozé de Carvalho, deposed That " he was born at Santa Catherina, in Brazil. Has lived for the last 18 years at Rio de Janeiro. Is a subject of Brazil, and has never served any other state. Was appointed to the command and possession given to him at Rio de Janeiro in August, 1840, by the owner, Antonio Moniz Alvez Branco, a resident of Rio de Janeiro and a Brazilian subject. First saw the vessel there and then; believes she is English built. Was on board at the time of capture. Does not know for what reason the vessel was seized. Sailed under Brazilian colours; there were also an English ensign and a Portuguese flag, which he found on board the vessel when he took the command. The vessel is called 'Orozimbo.' Never heard of any other name. She is 192 tons burthen; and had 18 officers and mariners, exclusive of witness, chiefly Brazilians. There were a few Portuguese, part shipped and hired by witness at Rio de Janeiro, in August last, and part at St. Paul's de Loando, in December. Neither he nor any of the officers or mariners had any interest in vessel or cargo. Was master on board. There were two passengers, Portuguese merchants; does not remember their names; they embarked in Loando in January last, for a passage to Montevideo. Does not know what their business might be at Montevideo. Neither of them had any authority on board or interest in either vessel or cargo. The voyage began and was to have ended at Rio de Janeiro. St. Paul's de Loando was the last clearing port; from Rio the vessel proceeded to Benguela, where part of the cargo was discharged, and the vessel remained a month and took in farinha and beans for Montevideo, whither she was proceeding when captured. The capturing vessel was first seen about 40 leagues to the northward of St. Paul's de Loando, at about eight A.M. of the 8th of January, and capture took place about an hour afterwards; there was no chase; the vessel was steering for Montevideo at the time, and her course was not altered nor any additional sail hoisted on the appearance of the capturing vessel. The vessel's course was always, wind and weather permitting, in accordance with her papers. There were no

instructions to escape or avoid capture or for concealing and destroying any of the vessel's papers. The owner of the vessel is Antonio Moniz Alvez Branco; knows it from having been given possession of the vessel by the said Branco. The said Branco is a Brazilian by birth, and has always resided at Rio de Janeiro, where his wife and family also live. Knows nothing of the bill of sale, and has never seen one. Knows nothing of the price of the vessel. Believes if the vessel be restored she will belong to the said A. M. A. Branco. The cargo shipped at Rio belonged to different merchants there, whose names he does not remember; there is none of it now on board; the only lading is farinha and beans, which were shipped by and belonging to Arcenio Pompilio de Carpo, a Portuguese merchant, residing and carrying on business at St. Paul's de Loando, who was also the consignee of the vessel, and they were to have been delivered at Montevideo on the account and risk of the said De Carpo. Does not remember the name of the consignee there. Knows nothing of the former voyage. The lading shipped at Rio consisted of rum and dry goods, which were all delivered at Benguela and St. Paul's de Loando. The present lading is farinha and beans. No slave was taken on board during the present voyage. After capture the vessel was taken to Sierra Leone. The papers numbered from 1 to 20, and from 53 to 58 inclusive, belong to the vessel, and are all true and fair; the documents exhibited to him, numbered 21 to 52 inclusive, witness declares he knows nothing about, and that he had never seen them previously to his examination. No papers of any description were concealed, destroyed, or made away with. Knows of the existence of no other papers relating to vessel or cargo. There was no charter-party. Does not know whether the vessel or her lading be insured. The vessel was under his sole management in regard to her trade, and witness corresponds with the owner of the vessel as regards what concerns her, and with De Carpo relating to the lading on board. Bulk was broken, the whole of the former cargo having been discharged. Nothing was taken out of the vessel at the time of capture or since. The hatches are not fitted with open gratings. The hatchways are not bored, and there are no iron bars. There are the bulkheads of the cabin and forecastle below, and on deck there are six sleeping-berths, three on each side. There is no spare plank. There is no part of a slave-deck laid. There are no shackles, bolts, or handcuffs. There are 13 large and 3 or 4 small casks capable of containing altogether about 15 pipes; all filled with fresh water at the time of capture. Does not consider that there was a larger quantity of water on board than was necessary for the consumption of the crew and two passengers, witness's vessel being an extremely dull sailer. There were three or four mess-tubs for the use of the crew. There was no iron or copper boiler. There was no rice or maize on board; there were about 50 bags of farinha and 10 of beans; cargo shipped for Montevideo."

The second witness, Ignacio da Natividade, the cook of the said vessel, corroborated the master's evidence as far as his knowledge of facts, which was but slight, extended.

Publication of the above evidence was granted on the 31st ultimo.

The captor's proctor having petitioned for a survey on the vessel, the report thereof was received and filed on the 1st instant. The surveyors reported that they found "close hatches, such as are usual in merchant-vessels, and not more in number. Two bulk-heads, those separating the forecastle and cabin from the hold, which divisions are not more than necessary for the vessel as a lawful trader, and two treble bunks or sleeping-berths on deck. No spare plank or slave-deck; but a very large quantity of mats, such as are frequently found in slave-vessels to answer the same purpose. No shackles, bolts, or handcuffs. Nineteen water-casks, capable of containing 2082 gallons of water, a quantity more than necessary for the consumption of the crew of the vessel as a merchant-vessel. About 1000 gallons of water on board. No mess-kids or tubs on board; but there were 57 baskets made of dried grass on board, evidently to answer the same purpose. Two boilers capable of containing 20 gallons, which is more than necessary for the use of the crew as a merchant-vessel. Forty-four bags of farinha, and eight bags of calavances, besides a large quantity of these articles in bulk. There was also a very large quantity of fire-wood on board."

The monition having expired on the 6th instant, the Court assembled on that day for the trial of the "*Orozimbo*." The equipment of the vessel in several respects, and particularly as regarded water, was such as to remove all doubts as to the illegal character of the voyage. To strengthen this opinion it appeared from two of the papers found in this vessel, that Jozé Antonio d'Araujo, the second mate (formerly supercargo of the Brazilian brig "*Onze de Novembro*," condemned here last year), had received a passport for Cabinda, whither the "*Orozimbo*" must of course have been bound. The employment of the "*Orozimbo*" having been thus proved to be illegal, the Court pronounced a sentence of condemnation on that vessel and cargo.

(Signed) WALTER W. LEWIS.
L. HOOK.

No. 122.

Her Majesty's Commissioners to Viscount Palmerston.

Sierra Leone, June 3, 1841.
(*Received July* 31.)

My Lord,

We have the honour of acknowledging the receipt of your Lordship's Despatch of the 25th of March last, transmitting to us a list of vessels which arrived at the port of Rio de Janeiro from the coast of Africa, between the 1st of June and 31st of December, 1840; and a list of vessels which left the port of Rio de Janeiro for that destination during the same period.

Of the vessels mentioned in these lists six have been condemned in the Mixed Commission Courts, and one in the Vice-Admiralty Court of this colony.

We would beg leave respectfully to suggest the great convenience of these lists containing in future the rig of the vessels, and the names of their masters, provided

it be in the power of Her Majesty's Commissioners at Rio to supply this additional information, which we think would add greatly to the means of identifying vessels when captured by Her Majesty's cruisers on this Coast.

We have, &c.,
(Signed) WALTER W. LEWIS.
M. L. MELVILLE.

The Right Hon. Viscount Palmerston, G.C.B.,
&c. &c. &c.

No. 123.

Her Majesty's Commissioners to Viscount Palmerston.

Sierra Leone, June 3, 1841.
(*Received July* 31.)

My Lord,

We have been honoured with the receipt of your Lordship's Despatch of the 5th of April last, acquainting us that His Majesty the Emperor of Brazil had been pleased to appoint Mr. Hermenegildo Frederico Nitheroy to be His Imperial Majesty's Commissary Judge in the British and Brazilian Court of Mixed Commission, established in this colony under the Convention between Great Britain and Brazil for the suppression of the Slave Trade; and Mr. Joaquim Thomaz do Amaral to be His Imperial Majesty's Commissioner of Arbitration in the said Court, and desiring us to receive those Gentlemen as our Colleagues in that Court, on their going through the accustomed form of admission to the offices to which they have been appointed.

We shall receive these Gentlemen as our colleagues whenever they may arrive at their post, and cordially enter with them upon the respective duties which have been assigned to us as members of the British and Brazilian Commission residing here.

We have, &c.
(Signed) WALTER W. LEWIS.
M. L. MELVILLE.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

No. 124.

Her Majesty's Commissioners to Mr. Backhouse.

Sierra Leone, June 30, 1841.
(*Received September* 30.)

Sir,

In pursuance of the 75th clause of an Act passed in the fifth year of the reign of His Majesty George the Fourth, entitled "An Act to Amend and Consolidate the Laws relating to the Abolition of the Slave Trade," we have the honour to forward a return of vessels adjudicated in the British and Brazilian Court of Mixed Commission, in the period from 1st of January last to this date.

We have, &c.,
(Signed) WALTER W. LEWIS.
M. L. MELVILLE.

John Backhouse, Esq.
&c. &c. &c.

Enclosure in No. 124.

Return of Vessels Adjudicated by the British and Brazilian Court of Mixed Commission established at Sierra Leone, between the 1st day of January and the 30th day of June, 1841.

Name of Vessel.	Flag.	Name of Master.	Date of Seizure.	Where Captured.		Property Seized.	Seizor.	Date of Sentence.	Number of Slaves Captured.	Number Died before Adjudication.	Total Number Emancipated.	Tonnage of the Vessel.			Decretal part of Sentence, whether Forfeiture or Restitution.	Whether Property condemned has been Sold or Converted, and whether any part remains unsold, and in whose hands the proceeds remain.
				Latitude.	Longitude.							Foreign, according to the Papers.	English. Old Admeasurement.	English. New Admeasurement.		
Feliz Ventura	Brazilian	Jozé Marianno da Costa e Silva.	1840. Nov. 29	6° 30′ N.	10°57′W.	Brigantine and Cargo.	Charles Hall, Esq., H.B.M. Brig "Rolla."	1841. Jan. 11	..	..	..	123	$125\frac{30}{94}$	$74\frac{1205}{3500}$	Condemned for being concerned in the illicit traffic in slaves.	Vessel and stores sold at public auction, and the proceeds paid into the military chest.
Bellona . .	Portuguese.	Francisco Pedro Ferreira.	Dec. 14	8° 10 S.	13° 8′ E.	Schooner and Cargo.	Edward H. Butterfield, Esq., H.B.M. Sloop "Fantôme."	,,	..	..	..	117	$131\frac{30}{94}$	$61\frac{2731}{3500}$	,,	,,
Nova Inveja	Brazilian	Francisco Antonio Oliveira.	1841 Jan. 20	5° 43′ S.	11°36′ E.	Brigantine and Cargo.	Thos. Edwd. Symonds, Esq., H.B.M. Sloop "Persian."	March 3	..	..	..	137	$169\frac{42}{94}$	$77\frac{1443}{3500}$	,,	,,
Bom Fim .	,,	Jozé Pinto de Araujo.	,,	Off Cabinda.		Schooner and Cargo.	,, ,,	March 13	..	..	..	55	$58\frac{30}{94}$	$27\frac{2120}{3500}$	,,	,,
Juliana . .	,,	Daniel Flintes Coelho.	Feb. 12	5° 41′ N.	2° 29 E.	,,	Reginald Thos. J. Levinge, Esq., H.B.M. Brig "Buzzard."	April 6	..	..	..	108	$130\frac{71}{94}$	$59\frac{2625}{3500}$	,,	,,
Orozimbo .	,,	Mathias Jozé de Carvalho.	Jan. 8.	8° 40′ S.	13° E.	Brig and Cargo.	Edward H. Butterfield, Henry Matson, and George Sprigg, Esqrs., Commanders of H.B.M. Ships "Fantôme," "Waterwitch," and "Brisk."	,,	..	..	..	192	$130\frac{19}{94}$	$138\frac{2621}{3500}$	,,	,,

Sierra Leone, 30*th June*, 1841.

(Signed) WALTER W. LEWIS.
M. L. MELVILLE.

(Signed) C. B. BIDWELL, *Registrar.*

No. 125.

Her Majesty's Commissioners to Viscount Palmerston.

Sierra Leone, July 9, 1841.
(*Received September* 20.)

My Lord,

We have the honour of reporting to your Lordship that Her Majesty's brigantine "Dolphin," Lieutenant Littlehales commanding, captured by two of the boats of that cruiser, under the command of Mr. Murray, on the 30th of May last, off Whydah, the Brazilian brigantine "*Firme*," after a most determined resistance with muskets on the part of her crew for upwards of a quarter of an hour, and in consequence of which we regret to have to state that two of the "Dolphin's" seamen were killed and three injured, in addition to Mr. Murray, who was severely and dangerously wounded.

The detained vessel was nominally commanded by Silveiro de Brito, and owned by the well-known Jozé Maria Henriquez Ferreira, of Bahia, where she was cleared out on the 24th of April last for Valparaiso, which ostensible destination had been adopted in consequence, as it is said, of the Custom-house authorities at Bahia declining to clear vessels for the coast of Africa.

On the 28th ultimo the detained vessel anchored in this harbour, and on the following 1st of July proceedings commenced against her in the British and Brazilian Mixed Court, which terminated on the 8th instant in a sentence of confiscation of both vessel and cargo.

Our report of this case we have the honour herewith to lay before your Lordship.

From this report your Lordship will perceive that contradictory reasons were assigned by the witnesses for firing upon the boats of the "Dolphin," and that the supercargo attempted (unsuccessfully) to show that the man-of-war's boats were without colours, and in consequence mistaken for the boats of some Spanish pirate. The mate's explanation, however, will seem to be nearer the truth, as he declared that the crew resisted in order if possible to save their wages by avoiding capture.

Jozé Maria Henriquez Ferreira, the owner of the "*Firme*," is the same person who appeared as owner of the Portuguese brig "*Amelia*," condemned here with a cargo of slaves, on the 30th of August, 1837. In the passport of the "*Amelia*" Ferreira is described as a Portuguese, residing at Bahia.

The "*Firme's*" voyage, like that of the "*Amelia*," was from Bahia to Whydah for slaves, and back to Bahia.

We have, &c.
(Signed) WALTER W. LEWIS.
M. L. MELVILLE.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

Enclosure in No. 125.

Report of the Case of the Brazilian Brigantine "Firme," *Silveiro de Brito, Master.*

Sierra Leone, July 9, 1841.

This vessel was provided with the following official papers:—

1. Imperial Passport, No. 163, dated at Bahia April 24, 1841, in which Jozé Maria Henriquez Ferreira, of that city, is described as being the owner of the vessel, and the above-mentioned Silveiro de Brito as the master; that she is of foreign construction, and of the burthen of 179 tons.
2. The Muster-roll, dated on the same day, showed that the crew of the Brigantine consisted of 17 persons, and that she was bound to Valparaiso.
3. Bill of Health, agreeing in date and destination with No. 2.

4 to 8. Five official papers, being receipts for Port dues and charges, and a Fort-pass.

There was also found on board of the "*Firme*," with the foregoing papers, a personal passport for a Genoese trader, named Jeronimo Carlos Salsi, stated to be destined to Valparaiso, and dated Bahia, April 24, 1841. This person ultimately proved to be in reality the Supercargo of the vessel.

The "*Firme*" anchored in this port late on the 28th of June, 1841, and was immediately visited and reported upon by the Marshal to the Mixed Courts.

The papers in the case were not, however, presented to the British and Brazilian Court until the 30th of June, and proceedings therefore were only commenced on the 1st of July instant, when the papers seized having been duly authenticated by the prize officer, were filed, together with the

declaration of the Seizor; the usual Monition was issued, and the witnesses in preparatory ordered for examination.

The Seizor's declaration was as follows:—"I, Edward Littlehales, Lieutenant and Commander of Her Britannic Majesty's Brigantine 'Dolphin,' do hereby declare, that on this 30th day of May, 1841, being off Whydah I detained the Brigantine named the '*Firme*,' sailing under Brazilian colours, armed with small arms, commanded by Paulo José de Millo e Brito, bound from Bahia to Whydah, with a crew consisting of 17 men, and 10 passengers, whose names are not mentioned in the papers; having on board no Slaves, but being fully equipped for the Slave trade."

On the 2nd instant the Registrar examined the Mate of the detained vessel, Jozé Ferreira Diaz, on the standing and special interrogatories, when he deposed, "That the Master's name is Silveiro de Brito; has known him three or four years. The Master is a native of Bahia, where he lives. Does not know whether he be married. Jozé Maria Henriquez Ferreira, the owner, gave Silveiro de Brito the command and possession of the vessel in April last at Bahia. The vessel, which is of Baltimore build, was first seen by witness at Bahia about three months ago. He was on board at the time of capture, which took place, as witness believes, on account of her being engaged in the Slave trade. The vessel sailed under the Brazilian flag, and had no others. The vessel is called '*Firme*,' the only name to witness's knowledge she has ever borne. There were 23 or 24 officers and mariners with the Master, some Portuguese and others Brazilians, engaged at Bahia by the Master. Neither officers nor sailors had any part or share in the ship or lading. Witness was Mate. Three passengers, João Telles de Faria, José (Portuguese), and Cunha (a Brazilian), embarked at Bahia for a passage to Whydah. Witness does not know why they were going there. They had no interest or authority in or over the detained vessel. The vessel last cleared out at Bahia, where the voyage commenced, and (after coming to Whydah on the Coast) where it would have ended. Touched at no ports or places from the time of leaving Bahia to the time of capture. The clearance from Bahia was for Valparaiso. The capturing vessel was first observed off Whydah, whither she was bound, on the 30th of May; and after a chase of two or three hours (during which all sail was made to avoid capture), the man-of-war's boats came up with the detained vessel, and capture took place. The course of the vessel was always direct from Bahia to Adjudah (Whydah). There are no guns mounted, but about 20 muskets and 8 or 10 cutlasses, and of ammunition only half a barrel of powder, for the purpose of quelling any risings among the Slaves. Witness was at the helm when the sailors against the Captain's orders broke open the arm-chest and commenced firing upon the boats. On this witness went below. The sailors determined upon resisting a search, because they said that, although the boats might be English, they would endeavour to escape and save their wages. The resistance continued about ten or fifteen minutes, during which two of the prize's crew were killed and one wounded. Witness does not know how many of the English were killed or wounded. The owner, José Maria Henriquez Ferreira, junior, is a Brazilian by birth and lives at Bahia. Knows nothing of the existence of a bill-of-sale nor of the price of the vessel. Witness has heard that the vessel was purchased from some Americans at Bahia in March last, but cannot tell their names. The cargo was the property of the owner, by whom it was shipped at Bahia. Does not know the name of the consignee. The cargo consisted of slave provisions. After cruising in company with the man-of-war (on board of which witness remained until they came off Accra) for some days, the detained vessel was brought direct to Sierra Leone. All the passports and papers were true and fair. None of the papers were destroyed or concealed. Does not know whether there may be any other papers relating to the vessel or cargo in any other country. Knows nothing of any charter-party. Does not know if the vessel or cargo be insured. The supercargo, Jeronimo Carlos Salvi, had the management of the vessel and cargo. The hatches are fitted with open gratings, wooden at the top and iron underneath. There are iron bars on board, but witness does not know the number of them; these are intended to secure the slaves below. There are three bulk-heads parting off the forecastle, cabin, and store-room. There are no spare planks. A slave-deck is laid fore and aft. There are no shackles, bolts, nor handcuffs. Thinks that there are about ninety water-casks large and small, some empty and some filled with fresh water for the use of the slaves. He thinks that there were about 40 or 50 mess-tins for the slaves to feed in. There was one large iron boiler for cooking slave provisions. There were from 80 to 100 large bags of farinha and about 30 of jerked beef as slave-food. Does not know whether there was any rice, maize, or flour on board.

Jeronimo Carlos Salvi or Salsi, the supercargo of the detained vessel, was the second witness produced by the captors. This witness by his evidence fully confirmed the testimony of the mate in every respect, except only as regarded the resistance made to the seizor's boats, which he explained was offered under the impression by the crew that they belonged to Spanish pirates, no colours (as he stated) having been hoisted. Salvi added that the reason of this vessel having been cleared at the Bahia Custom-house for Valparaiso was, that the authorities of Bahia declined clearing vessels for the Coast of Africa. This witness also stated that the money seized in the "*Firme*" was owned partly by himself, partly by three of the passengers, and by some of the sailors whose names he did not know.

Publication passed on the 3rd instant.

On the 5th instant an explanatory affidavit of the prize-officer was allowed to be filed. From this document we learned that the prize-officer was in command of one of the boats of Her Majesty's Brigantine "Dolphin," which captured the "*Firme*," and that on the said boats getting within musket shot of the "*Firme*," British colours were hoisted in both boats, *subsequent* to which the firing from the "*Firme*" on the boats commenced. The delay in sending this vessel up for adjudication was stated to have arisen from the master not having given up the "*Firme's*" papers at the time of detention and the search for the same, which therefore became necessary. A subsequent affidavit of the prize-officer explained that Silveiro de Brito, the Master of this vessel according to her papers, had been landed with her crew at Accra, in consequence of the seizor having been informed that Brito was only the "Captain of the Flag," a statement which the prize-officer alleged was confirmed by his appearance, as he looked more like a common seaman than one having authority on board.

With this affidavit the proceedings in the case were closed, and the monition which had been issued being returnable on the 8th instant, that day was appointed for the adjudication of this vessel. The Court accordingly assembled on the day named, when a sentence of condemnation was passed upon the "*Firme*" and her cargo.

(Signed) WALTER W. LEWIS.
M. L. MELVILLE.

No. 126.

Her Majesty's Commissioners to Viscount Palmerston.

Sierra Leone, July 22, 1841.
(*Received September* 20.)

My Lord,

On the 6th of June ultimo Her Majesty's brigantine "Dolphin," Lieutenant Littlehales commanding, seized at anchor in the roadstead of British Accra the Brazilian brigantine "*Nova Fortuna*," Francisco Jozé da Rocha, master, on the ground of her being concerned in the Slave Trade, and sent that vessel hither for adjudication on the charge mentioned.

The detained vessel anchored in this harbour on the 28th ultimo, and on the 1st instant proceedings were commenced against her in the British and Brazilian Mixed Commission Court. From the papers of the vessel and the evidence received in the case, which was a contested one, it appeared that the "*Nova Fortuna*" belonged to Bahia, where her owner, Jozé Joaquim d'Almeida, resided; and who had despatched her thence in March last on an ostensible trading voyage along the Coast of Guinea, where she was to procure, in exchange for a cargo of Brazilian tobacco and spirits, a return cargo of gold, ivory, palm-oil, and salt. The trade was under the management of Manoel Joaquim da Costa, as supercargo.

In the alleged performance of this voyage the vessel is said to have touched at Elmina, Annamaboe, Appam, Winnebah, and British Accra (where she was seized), and had disposed of much of her outward cargo, some of the return for which was found on board in the shape of dollars, doubloons, native African gold, and a very little palm-oil.

The proof offered by the seizor that the "*Nova Fortuna*" was concerned in the Slave Trade, mainly rested on her equipment in some respects for that traffic, and on the suspicious character of the owner's instructions for the voyage.

This evidence having received nothing to weaken it by that filed on behalf of the claimant, but, on the contrary, having been strengthened by the conflicting nature of the testimony of the master and mate; by the fact of the master having been found in possession of a certificate which would enable him to receive three slaves held in trust for a third party by a resident at Whydah, and of several letters addressed to persons living at that notorious slave mart, all of which related to the Slave Trade; by the well-known connexion of the *bonâ fide* master of this vessel, Carvalho, as well as that of the vessel's owner and supercargo, with the Slave Traffic, and generally the illegal character, as connected with the Slave Trade, which many of the papers seized in this vessel bore, induced the Court to pronounce her confiscation on the 20th instant.

Our report of this case we have now the honour to lay before your Lordship.

The names of Jozé Joaquim d'Almeida, the ostensible owner of this vessel, and Manoel Joaquim da Costa, her supercargo, appeared in our report of the case of the Portuguese schooner "*Lafayette*," condemned here on the 16th of June, 1837. On that occasion they fitted out the "*Lafayette*" at Bahia, and were to have been the consignees of that vessel on her return. It also appeared in evidence that the slaves seized in that vessel were owned by them. Almeida and Costa were also owners of the condemned slave ship "*Quatro d'Abril*."

The mate of the "*Nova Fortuna*," Jozé Gervazio de Carvalho, was master of the Portuguese schooner "*Latona*," condemned here with a cargo of slaves on the 17th of March, 1837. He has been here as a mate in two other condemned slavers besides the present.

From the information Lieutenant Littlehales received down the coast, it appears that the merchandise to pay for the slaves supplied for the Brazil markets is now brought over in Brazilian, French, and other vessels, which, touching at the ports on the leeward coast, trade for money to be delivered at the factories in payment for the slaves, and the cargo-vessels then return to Brazil in ballast. This is said to have been the case with the schooner "*Illinois*," under United States colours, which came over lately from Bahia, chartered there by a French firm, Messieurs Leceaguel and Company. The vessels which carry the slaves come across, it is said, sometimes without even an anchor at their bows, and remain but a few hours.

We have, &c.

(Signed) WALTER W. LEWIS.
M. L. MELVILLE.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

Enclosure in No. 126.

Report of the case of the Brazilian brigantine " Nova Fortuna," *Francisco Jozé da Rocha, Master.*

THE following papers were found on board of the "*Nova Fortuna*" at the time of her detention :—

1. An imperial passport, No. 91, bearing date 19th December, 1840, in which this vessel is described as owned by Jozé Joaquim d'Almeida, of Bahia, commanded by Manoel Peixoto Villas Boas, and of the burden of 77 tons. When the above-mentioned Da Rocha superseded Boas in the command is not mentioned in this or any other of the ship's papers.

2. Muster-roll, dated Bahia, March 20th, 1841, describing the crew of the vessel to consist of 1 persons, and bound to the coast of Africa.

3. Manifest of the cargo, dated Bahia, 20th of March, 1841, and signed by Almeida, the owner of the vessel. From this document it appeared there had been shipped,

1494 rolls and 46 barrels of tobacco,
20 pipes of spirits,
1 bale of foreign goods,

in addition to various stores apparently for use during the voyage. The manifest also includes 10 water-casks, but does not clearly explain whether they were for the ship's use or for sale. Attached to this manifest is a bill of lading, dated the 19th of March, 1841, describing the cargo as consisting of spirits and tobacco only, without any allusion to the bale of foreign goods, and as consigned to the supercargo, Manoel Joaquim da Costa, and to Jozé Gervazio de Carvalho, who appears as first mate in the muster-roll. Carvalho was, however, evidently *bonâ fide* master on board, the ostensible master, Da Rocha, being quite a lad in appearance, and certainly not more than 17 years of age.

The aforesaid manifest and bill of lading were authenticated by the British Consul at Bahia in the following terms :—" I, Edward Porter, Her Britannic Majesty's Consul for the city and province of Bahia, do hereby certify that Jozé Joaquim de Almeida, owner, and Francisco Jozé da Rocha, master of the smack '*Nova Fortuna*,' have personally appeared at this Consulate, and declared on oath that the foregoing manifest and annexed bill of lading are a true and faithful statement of the cargo and stores on board the said smack. An act whereof being required, I have granted the same under my hand and seal of office at Bahia, this 20th day of March, 1841."

This certificate was duly signed and sealed by the Consul.

4 to 9. Custom-house receipts, bill of health, and fort-pass.

10. A petition from the owner of the vessel dated March 20th, 1841, for permission to go to the east coast of Africa. Whether this permission was granted by the authorities of Bahia does not appear in this paper. There is an ambiguous report attached to the petition stating that it is not safe to carry the negro to the coast; and by a note it appears " a negro was landed from this vessel."

11. The instructions of Almeida to the master and mate, Da Rocha and Carvalho, bear date at Bahia on the 20th of March last, and commence with directions to go to the Gold Coast to " *transact legal trade.*" This trade is to be conducted by the supercargo, Da Costa, who will sell the outward cargo for money, gold, ivory, and palm oil. The owner then observes that if the vessel *requires ballast* it is to be taken in, and the vessel is then to proceed to Aquita for salt, with which she is to return to Bahia with all possible dispatch. In conclusion is the following questionable paragraph :—" You must bear in mind that you will require to purchase some cowries to windward to enable you to procure the salt, and whatever else may be necessary for the use of the vessel; as well as to *obtain provisions for your return, being careful to get sufficient for the purpose.*"

12. Instructions from the said owner to the supercargo, differing in no respect from No. 11.

13. Log-book of the voyage, apparently kept by the master, which shows that the " *Nova Fortuna*" sailed from Bahia on the 21st of March last, and on the 4th and 7th of May sighted respectively Cape Palmas and Cape Lahon, off the latter of which canoes visited them. They then commenced trading at Elmina, where they arrived on the 12th of May; went thence to Annamaboe on the 20th; to Appam on the 26th; to Winnebah on the 29th; and to British Accra on the 30th of May, on which day the log ends.

In addition to the foregoing, there were no less than 50 other documents and papers, of which 13 were old personal passports, and seven were nautical papers and calculations, of which it will be unnecessary to give a more particular account. The remainder chiefly consisted of letters, and seems to call for a more minute description, which we shall now give.

The first in importance, as giving a character to the expedition in which the " *Nova Fortuna* " was engaged when seized, are a receipt for slaves deliverable at Whydah, and a letter commissioning the master, in whose possession these papers were found, to buy a slave.

The receipt or certificate is dated Whydah, 23rd of February, 1841, and signed by Joaquim Antonio da Silva, acknowledging to have three slaves in his custody belonging to João Francisco Pereira.

The letter above alluded to was apparently written in Bahia, but is undated, and addressed to João de Deus of Whydah, by João Pereira Vianna, formerly dispenser of " the pilot boat," and lately on board of the " *Firme*," (condemned here on the 8th of July, 1841,) in a similar capacity, advising him of having sent four doubloons to buy a female slave.

Two letters written by Manoel Joaquim Ricardo, of Bahia, respectively to Jozé Pedro Otram and Joaquim Antonio da Silva, both of Whydah, on the subject of slave adventures completed and in progress. In these letters the new word " cola " is the expression used to describe a slave.

A letter from João d'Almeida, of Bahia, to Tiburcio Joaquim Vianna of Whydah, notifies the shipment of four pieces of French cloth by the " *Aurora*," to buy a slave.

Three loose undated papers appeared to be—first, a report from the mate to the captain of the Brazilian schooner " *Picon*," stating his having fallen in with a man-of-war, supposed by him to be Her Majesty's brigantine " Bonetta," which vessel opened a fire upon them, and some shot struck the " *Picon's* " hull. The schooner, however, escaped by means of her sweeps. Inquiry is then made as to when and where the slaves are to be shipped.

The second and third papers appear to be replies to the above, one of which is signed by " the captain of the '*Picon*,'" and the other unsigned, and addressed to " the mate in the roads." Both of

these notes state that there are 500 slaves ready for embarkation. The above three papers are written in French.

A log-book of the Brazilian schooner "*Picon*," written in Portuguese, shows that she left Bahia on the 23rd of January, 1840, with the ostensible destination of Prince's Island, but really bound to Whydah, off which port she was on the 17th of February following, and where it is reasonable to infer, from the contents of the three papers just described, she embarked a full cargo of slaves. No log for the "*Picon's*" return voyage appears to have been kept.

On the 28th of June ultimo the "*Nova Fortuna*" anchored in this harbour, and proceedings in prosecution of her were opened on the 30th in the British and Brazilian Mixed Commission, which led to the filing in Court, on the 1st of July, of the papers found on board of her, they having been previously duly authenticated by the prize officer's affidavit; the filing of the captor's declaration of seizure; the issue of the usual monition; and an order for the examination of the witnesses in preparatory on the standing and special interrogatories.

The declaration of the Seizor was as follows:—"I, Edward Littlehales, Lieutenant and Commander of Her Britannic Majesty's brigantine 'Dolphin,' do hereby declare, that on this 6th day of June, 1841, being at anchor off British Accra, I detained the polacca brigantine, named the '*Nova Fortuna*,' sailing under Brazilian colours, commanded by Francisco Jozé da Rocha, bound from Bahia to the coast of Africa, with a crew consisting of 12 men and 1 passenger, whose name as declared by him is Manoel Joaquim da Costa, having no slaves on board, but being equipped for the Slave Trade."

On the 3rd of July instant, the master of this vessel, Francisco Jozé da Rocha, was examined by the Registrar, and deposed That "he was born at Bahia, which is his place of residence. Is a Brazilian subject, and has never been under allegiance to any other State. Is not married. Jozé Joaquim d'Almeida, a Brazilian subject, and owner of the vessel, gave witness command and possession of her in March last at Bahia; of which city the owner is a resident. Has known the vessel about four years. She was built at Bahia. He was present at the taking of the vessel, but under what pretence and for what reasons she was so seized witness does not know. The vessel sailed under Brazilian colours, and had no others on board. The vessel has always been called by the name of '*Nova Fortuna*,' and she is, to the best of witness's knowledge, 75 tons burden. Witness shipped the crew, which consisted of 11 persons, exclusive of himself, at Bahia in the month of May last. Some were Brazilians, and the rest Portuguese. None of the crew (except witness, who had 25 rolls, and the mate also 25 rolls of tobacco) were interested in the ship or lading. Was master on board. There were no passengers. The voyage began at Bahia, and thence it was to be continued along the whole western coast of Africa to return thereafter to Bahia, which was the last clearing port. The destination in the clearance is the coast of Africa. Elmina was the first port the vessel touched at, and remained there eight days. Witness had communication with the shore, and sold to the natives one pipe of aguadiente and tobacco, receiving in payment for the same gold-dust and cash. The vessel then proceeded to Annamaboe, but after a stay of five or six days was prevented by the Governor from trading. Here witness received two certificates for port dues. The next place visited was Appam, where witness, after being at anchor three days, sold Mr. Fletcher and other Englishmen (who had come round from Annamaboe in consequence of the Governor's prohibition against trading there) aguadiente and tobacco for gold-dust, doubloons, and dollars. Witness also purchased mats here from the natives. After leaving Appam the vessel went to Winnebah, and anchored there only for one day, having purchased from the natives gold-dust, doubloons, mats, and cowries, the latter to buy country cloths and palm-oil. British Accra was the last place touched at on the coast, the vessel having been there captured within one mile from the shore. Remained at Accra ten days, and during the time of the vessel's stay the people from Danish Accra came on board and purchased tobacco in exchange for palm-oil and cowries. The vessel was captured whilst at anchor off British Accra, on the 5th of June last. The capturing ship made the seizure on the same day she arrived at Accra. The vessel had only four pistols and half a pound of powder on board in the shape of arms and ammunition; two of the former belonged to witness and two to the mate, for their private use. He had no instructions to destroy, conceal, or refuse to deliver up any of the ship's documents. The owner's name is Jozé Joaquim d'Almeida, a Brazilian subject, and living at Bahia with his family. Witness knows him to be the owner from the notoriety of the fact at Bahia for upwards of three years. The owner has always resided at Bahia. Knows nothing of any bill of sale, price of the vessel, or the names of the sellers. Witness has heard that the vessel was bought by the owner from the shipbuilders at Bahia, nearly five years ago, to the best of his knowledge. The owner, Jozé Joaquim d'Almeida, shipped the cargo at Bahia; it was under no consignment, as the voyage was to be a coasting one. The cargo if restored will belong to the present owner. Witness is ignorant of the nature of the vessel's lading on the last voyage, as this is the first time she has been trading on the coast. The present cargo consists of tobacco and aguadiente, which was to be exchanged for cash, gold-dust, palm-oil, mats, and cowries. The passport and all the other ship's papers are true and fair. None of the papers, bills of lading, or letters were destroyed, concealed, or attempted to be concealed. There are no other papers relative to the ship and cargo in any other country. There was no charter-party. Does not know whether the ship or goods be insured. The hatches of the vessel are not fitted with open gratings; there is only the main hatchway, measuring 9 feet by 6 feet. The coamings of the hatchways are not bored, nor are there any iron bars on board. There are only the bulkheads of the forecastle and cabin, but there are four bunks on deck. There are no spare planks. There is no part of a slave deck laid. There are no shackles, bolts, or handcuffs. There are 3 pipes and 1 small keg empty, and 1 pipe full of fresh water. There are 2 mess-kits for the use of the crew. There are no iron boilers, and the cabouse is only fitted for two small boilers. There is only one bag of farinha on board."

The second witness produced by the Seizors was Jozé Gervazio de Carvalho, who appeared in the muster-roll and described himself as first mate of the vessel, but who was evidently, from his age, experience, intelligence, and authority on board, and from the extreme youth of the ostensible Master Da Rocha, the *bonâ fide* commander of the "*Nova Fortuna*." The evidence of this witness confirmed that of the previous one in respect to the ownership of the vessel and cargo, and that it had been partly exchanged for money, gold, palm-oil, and cowries. Carvalho differed, however, from the master who had stated that the cargo was not consigned, by declaring that Manoel Joaquim da Costa, a passenger, was the consignee; and also in respect of the master's assertion that he and the mate (this witness) had each 25 rolls of tobacco on board as a venture, by explaining that the master had really but 20.

The evidence of these witnesses concerning the stay made and the nature of their transactions the different places visited on the Gold Coast for the purposes of trade, did not agree with each other, and were both somewhat at variance with the log-book of the vessel; but as this point will be alluded to in the judgment given in this case, it is unnecessary to dwell upon it here.

Publication passed in the cause on the 3rd instant.

The report of Survey which had been petitioned for on the part of the Seizor on the 1st, was received and filed on the 7th instant, and described this vessel to have, besides a fore-hatch and an after or cabin hatch, a very large main one, the dimensions of which were 9 feet by 4 feet 3 inches. That the bulk-heads below were not more than necessary and usual in merchant vessels; but that the "*Nova Fortuna*" had in addition 4 moveable sleeping-berths on deck, thus making more divisions on deck than were requisite for her as a lawful trader. There were found on board 100 coarse mats, each measuring 5 feet 4 inches by 2 feet 8 inches; suited for forming a substitute for the usual slave-deck. The cabin was of peculiar construction, being only 3 feet 5 inches in height, having a fixed deck; it had, however, all the appearance of the female slave-rooms usual in vessels engaged in the traffic. There were only 7 water-casks on board, equal to containing 929 gallons. There were, however, 2 casks filled with cowries, having the appearance of water-casks, and capable of holding 220 gallons, forming in all the means of carrying 1149 gallons of water. And the cabouse, though of an ordinary appearance, was so arranged from being built up with bricks, fitted with iron grating, and having a moveable top as to be capable of receiving and cooking with a boiler of 31 inches square.

The monition issued on the 1st, having been returned duly certified on the 8th instant, this closed the proceedings on behalf of the Seizor.

On the 6th instant the master of this vessel appeared as a claimant in the case, and on the following 8th the claim hereunder transcribed was filed, together with an affidavit of the said master authenticating the same.

"The claim of the said Francisco Jozé da Rocha, the master of the said polacca, subject of His Majesty the Emperor of Brazil, for the said polacca, her tackle, apparel, and furniture, goods, wares, merchandise, money, and effects, on board the said polacca at the time of the capture thereof by Her Majesty's brigantine 'Dolphin,' Lieut. Edward Littlehales commanding, and brought to Sierra Leone, for the said polacca, her tackle, apparel, and furniture, and the said goods, wares, merchandise, money, and effects, as the sole property of Jozé Joaquim d'Almeida, an inhabitant of Bahia, and as protected by the Treaty or Convention between His late Britannic Majesty and His late Imperial Majesty the Emperor of Brazil, dated 23rd of November, 1826. And for all costs, charges, losses, damages, demurrage, and expenses as have arisen, or shall or may arise, by means of the capture and detention of the said polacca as aforesaid."

A petition to examine the master and mate on special interrogatories was presented by the claimant's proctor on the following day, which having been approved, those persons were accordingly examined on the 12th instant.

The master deposed that "the polacca came to the coast of Africa to dispose of the outward cargo of spirits and tobacco for *salt*, palm-oil, and gold-dust. From the detained vessel having been previously to the present voyage engaged in the sugar trade on the coast of Brazil, it was necessary that the main hatch should be of large dimensions in order to admit the boxes of sugar into the hold. Three of the 'bunks' (sleeping places on deck) were appropriated for the use of the mate, supercargo, and witness. The fourth 'bunk' contained the stores of the vessel. The height of the cabin is about 4 feet, its length 6 feet, and breadth about 4½ feet. It was for stowing away provisions and the trunks belonging to the officers. Brazilian sumaccas are usually built with such cabins. The mats were purchased for the stowage of the salt. The cabouse of the sumacca resembles those usually found on board vessels of this class. The iron bolt was used to secure the cabin hatch. There were 4 pipes and 1 small cask for water on board the vessel at the time of capture. The witness has in his possession a paper signed by the prize officer at the time of capture, and purporting to be a manifest of the cargo on board at that time. (This paper was delivered to the Registrar by the witness.) From this document it appeared, that there were on board 19 pipes of spirits, 1 barrel of tobacco, 4 pipes and 1 cask of water, and 5 casks of palm-oil." This paper also contained the extraordinary entry of "300 grass bags, and 100 mats, *for ballast*."

The replies made by the mate to the same questions were nearly word for word the same as those of the master, above quoted.

Publication was granted to the claimant on the 12th instant. No further proceedings were taken by the claimant.

On the 14th instant the captor's proctor re-opened his case on petition, and was allowed to put special interrogatories to the master, which elicited from that witness the following evidence: that "it is customary for the owners of vessels to allow masters and mates to take a few articles on board on their own account and risk; but this is not considered as forming a part of the cargo. Hence appears the discrepancy between the claim and the examination in chief. He cannot tell the cause why the Governor of Annamaboe prevented him from trading there, no reasons having been assigned for such prohibition. Although he remained ten days at British Accra, yet he did not trade there at all, but only with persons from Dutch and Spanish Accra, who paid, in return for tobacco and spirits, palm-oil and cowries. Did not land any goods during the night. The Governor of British Accra did not prevent him from trading there. Witness admits that the manifest and bill of lading were both attested before the British Consul at Bahia; but denies that the 46 barrels of tobacco were a subsequent addition, they having been inserted in the above documents at the same time as the other articles, and by the same person. The sand ballast was shipped at Appam and Winnebah; it was taken on board simply as ballast, in consequence of the vessel being empty. He obtained the money and gold-dust at Elmina, Appam, and Winnebah, for tobacco and one pipe of aguardiente, which latter formed the outward cargo. All the money and gold-dust were received at the three above-mentioned places. Part of the said gold-dust and money was intended for the purchase of salt and palm-oil, and part to be taken to Bahia on the owner's account. He intended to ship the salt at Aquitah. The salt to be taken on board was to have been of the coarse description made by the natives themselves. About 60 or 62 tons were to have been shipped, but at what price witness cannot tell. It was to have been delivered at Bahia, and is well adapted for the Brazilian market, this commodity being very scarce in Brazils. Salt fetches from 3*s.* to 4*s.* for half a bushel at Bahia. Many shipments of salt have been made from Aquitah to Bahia: witness remembers, however, the names of only two vessels which

traded there for this purpose, the '*Intrepido*' and '*Josefina;*' but does not know the names of either their masters or owners."

There was also received on the part of the captor an affidavit (sworn on the 15th instant) of the prize officer, stating "that over the cabin of the said polacca there is a large companion-hatch, which is rather more than 3 feet from the deck, and which leads at once into the cabin by folding-doors, facing the front part of the vessel, a ladder not being necessary from the small depth of the cabin from the deck. And, lastly, that the said hatch is about 4 feet square."

At the same time the proctor for the seizor filed another affidavit, which was as follows: "Appeared personally William Bedwell Bradford, master mariner, in command of the British merchant barque 'Hartley,' and William Trickey, master mariner, in command of the British brig 'Charlotte Wylie,' who being duly sworn, maketh oath and say; and first this deponent, William Bedwell Bradford, for himself, saith, that he has seen large quantities of Brazilian sugar in the port of London, and that the same has always been imported in cases averaging in weight from 3 to 8 cwt.; and that the largest case of Brazilian sugar he has ever seen was in length about 5 feet, and in depth about 2½ feet, and not more. And this deponent, William Trickey, for himself, saith that he has made several voyages to different ports in the Brazils, and that the sugar of that country is packed in cases which have averaged in weight from 3 to 8 cwt., and in size from 3 feet to 5 feet in length, and from 2 feet to 2½ feet in depth, and he has never seen any in larger packages."

Publication of this evidence was granted on the day of its being received; and on the 17th instant a joint petition from the proctors for both parties announced the closing of the case, and prayed for a day of trial, which was named for the 20th instant, when the Court accordingly assembled.

After the evidence in the case had been publicly read, the proctors on both sides were heard in argument on behalf of their respective clients.

The proctor for the seizor remarked that the vessel's voyage was of so questionable a character that the authorities at the British settlements on the Gold Coast had refused her leave to trade there; and that at the time of seizure so much was the master impressed with the unlawfulness of his voyage that he was either unable or unwilling to declare her destination. He then went into a detailed review of the equipment with which this vessel was provided, and of the explanations offered by the master and mate respecting the same, which he urged were insufficient to relieve the vessel from the character of being illegally equipped. In conclusion, this gentleman observed that the claimant had entirely failed to show, as he was bound to do, the lawfulness of the voyage in which his vessel was engaged when seized.

The proctor for the claimant commenced his address by referring to the owner's instructions for the voyage, which he endeavoured to show were good evidence of the legality of the adventure; and then urged that the detention of this vessel was contrary to the terms of the second article of the Instructions for Cruizers, annexed to the treaty or convention with Portugal, which forbids the seizure of vessels "whilst in the port or roadstead belonging to either of the two high contracting powers." The proctor then endeavoured to support by argument the explanations which had been offered respecting the equipment, and ultimately prayed the Court to restore the vessel.

The seizor's proctor replied to that part of the address of the proctor for the claimant in which he had endeavoured to show that the owner's instructions were a proof of the lawfulness of the voyage, that the very opposite opinion must be formed on an unbiassed perusal of that document, and pressed on the attention of the Court the doubtful terms in which those instructions were worded, which deprived them of all *bonâ fide* character. This gentleman also urged that it was a material defect in the claimant's case his having neglected to show the rate of wages for the voyage, and that the inference must be unfavourable.

In giving judgment, the Court, after remarking upon the circumstances of the seizure (declining to admit the claimant's objections thereto), and the grounds of prosecution, observed that the proof offered in support of the seizor's case was chiefly to be found in the contents of the ship's papers, and in the evidence showing the equipment of this vessel to a certain extent in a manner adapted for carrying on the Slave Trade.

The Court next alluded to the several items of illegal equipment, as set forth in the report of the surveyors already quoted herein, which it was remarked had much of the character of the equipment common to slave-vessels, and which would certainly prove a sufficient cause for condemnation, unless good and sufficient reasons could be given by the claimant for his vessel being so provided.

Respecting the very large main-hatchway, the Court said that the master had declared it was necessary, to admit boxes of Brazil sugar, she having been previously to the present voyage engaged in the sugar trade on the coast of Brazil, a statement which the mate had corroborated. The master's original evidence as to the previous voyage showed that he was ignorant of the vessel's lading, and the Court therefore refused to admit this witness, in order to clear up his case, conveniently to recollect that the brigantine had been a sugar droguer. Independent, however, of this point, the explanation of the master, though confirmed by the mate, has been proved to be worthless by the oaths of two of the commanders of British merchant ships now in this harbour (one has traded to Brazil), both of whom have sworn that the largest size of boxes for Brazil sugar is 5 feet by 2 feet 6 inches; the main hatchway of this brigantine was therefore declared to be about as large again as is usual in merchant vessels lawfully employed.

In explanation of the extra accommodation afforded by the four moveable sleeping-berths on deck, which the surveyors had reported as not required by a lawful trader, it had been stated that the cabin of this brigantine, which is of the description commonly found in fair-trading vessels, had been used by the master, mate, and supercargo, to keep their luggage in, and that three of the said deck-berths had been occupied by those persons, whilst the fourth served as a store-room. As, however, the cabin of this vessel had been shown to be such as is usual in similar craft, and as the unnecessary number of four deck-berths had been found on board, thus leaving the cabin free for a female slave room, if necessary, in the manner common to all slavers, the Court held this account to be unsatisfactory.

The 100 coarse African mats found on board, stated by the master and the mate to have been for the purpose of stowing salt upon over the sand ballast, was a statement which, if the Court could have been satisfied that salt was ever intended to have been embarked, must have proved an insufficient explanation as to these questionable articles.

The number of casks found on board which were adapted for carrying water had been proved to be capable of holding 1149 gallons, thus affording 36 days more water to the large number of persons

forming the crew than the Court considered necessary for them, according to the previous practice of the Court when allowing for a voyage from Bahia to this coast. On this subject, however, there was other evidence well calculated to create and support suspicion of the object with which the number stated had been shipped, for in the manifest of the vessel it appears that originally there were 10 water-casks embarked, of the disposal of none of which the Court had heard, whilst the master had sworn that there were now on board but 6, and the mate but 5 water-casks for the vessel.

The cabouse of the "*Nova Fortuna*" had also been proved to be adapted for the reception of a boiler such as is usual in vessels engaged in the Slave Trade, and though the claimant and mate have both sworn that Brazilian vessels of a similar construction have generally such a description of cabouse, the Court could not see how that was to relieve the "*Nova Fortuna*" when on the coast of Africa and in her peculiar circumstances from the suspicion of having such an article for unlawful purposes.

On the whole, therefore, it appeared to the Court that this vessel was fitted for the Slave Trade by having a main-hatchway double the common size; more divisions on deck than requisite for a lawful trader; 100 coarse African mats, adapted as substitutes for the usual slave-deck; a cabouse adapted for cooking for slaves; and 36 days more water than even her large crew and the supercargo could reasonably need. For this illegal equipment the explanations given on behalf of the claimant had been far from satisfactory; and a reference to the papers given up by the master at the time of seizure, and to some other parts of the evidence, would serve to show that even these unsatisfactory statements of the witnesses for the defence were not entitled to credit.

The Court then referred to the papers found in this vessel, commencing with the instructions of the owner of the vessel, which they observed were, from the very questionable terms employed therein, illustrative to some extent of the captor's allegations. The owner had, the Court remarked, commenced his instructions in the usual style latterly adopted in such documents, namely, with an ostentatious statement that the vessel proceeds to the Gold Coast to "*transact legal trade;*" a general description of the alleged lawfulness of the voyage quite unnecessary, as it is invariably followed, as in this instance, by a very particular and detailed account of what this legal trade is to consist. The owner directed the trading to be conducted by the supercargo, who was to sell, at the ports on the Gold Coast, the outward cargo for gold, ivory, and palm-oil; adding that if the vessel required ballast it was to be taken on board, and she was then to go to Aquita for salt, with which she was to proceed immediately to Bahia. Why this vessel should need to ship ballast on this coast, in addition to that she had on board when leaving Bahia, unless her palm-oil trade had proved a failure, and when she was to fill up with salt, seemed difficult to understand, as salt is on board of most merchant vessels found to answer the purpose of ballast. The part of the voyage respecting the filling up with salt was, however, entirely overlooked by the master and mate at their original examinations, and it might therefore not unreasonably be supposed that this paragraph as to the salt was meant to apply to a much more questionable shipment to be made at Aquita, and that understanding it in this sense, the master and his mate had avoided alluding to it. The sentence immediately succeeding that relating to the purchase of salt, and concluding the owner's instructions, was confirmatory of our suspicions; it was as follows: "and to procure whatever else (besides the salt) which might be necessary for the use of the vessel, as well as to obtain *provisions* for your return, being careful to get *sufficient for the purpose;*" a warning that, had there been none other to feed but the crew of the vessel, would not have been required.

The master and mate concurred in declaring at their first examination that the outward cargo was to be disposed of for gold, ivory, palm-oil (as directed by the owner's instructions), omitting, however, as previously mentioned, the article of salt, and adding to the list, on their own authority, cash, mats, and cowries. This important omission of the salt the claimant's proctor, judiciously enough on his part, endeavoured to rectify as soon as he could, and accordingly the first of his special interrogatories to the master and mate referred to the description of the return cargo of this vessel, and both witnesses stated that it was to be *salt,* gold-dust, and palm-oil. How the article of salt should have originally escaped the master's recollection seemed more than extraordinary, as by a subsequent statement of this witness the vessel was to carry no less than from 60 to 62 tons of it, her entire burthen being only 77 tons. Both the master and the mate had, however, made further contradictions respecting the vessel's lading, the former stating that the outward cargo was not consigned to any one, although he had himself signed bills of lading at Bahia for the same as shipped by Almeida to the order of the supercargo and first mate, Carvalho; and the said mate suppressing the fact of his being a consignee.

Among the correspondence received from the master there were three letters addressed to different residents at Whydah, all of which were on the subject of the Slave Trade, and in one of them it was stated that four doubloons had been sent to buy a negress. As the letter relating to these four doubloons was in the master's custody, the Court thought it was not unreasonable to suppose that the doubloons had been also, and that therefore the master was plainly concerned in the Slave Trade. It would be also a fair inference from the above that Whydah, and not Aquita, was the ultimate port of destination of this vessel; and that slaves, and not salt, were to have been shipped, particularly when the owner's order, to be careful to get sufficient provisions for the return voyage, was kept in view.

In addition to the above there were also some papers and a log-book belonging to the Brazilian schooner "*Picon*" found on board this vessel, which clearly showed the "*Picon*" to have been engaged in the Slave Trade between Bahia and Whydah. How these very suspicious documents came on board the "*Nova Fortuna*" had not been explained, and the inference was therefore held to be unfavourable; nor had any statement been offered respecting the circumstances under which João Francisco Pereira transferred to the possession of the master his receipt for three slaves, held on his account by Joaquim Antonio da Silva, of Whydah, and the Court therefore concluded that the object of the master was to obtain the said slaves and carry them to Brazil in the "*Nova Fortuna.*"

The log of that part of the voyage in which this vessel's trade was conducted had most improperly been kept on a loose sheet of paper, and really contained nothing more than when the vessel arrived off any particular port on the coast.

There was no account of the shipment of sand-ballast as alleged by the master, of the landing of the outward cargo, or of the embarkation of any of the return cargo, as there should have been in the vessel's log-book; whilst the brief account alluded to served to show that neither the master's nor the

mate's account of the time they had been occupied in trading was correct. Of this, however, there could hardly have been any doubt when these two persons could not agree in the description of their joint proceedings. For instance, at Annamaboe the master said they remained five days, whilst the mate declared it was only three days; the master, that they went next to Appam, the mate, to Fort Kormantine; the master, that they traded at Appam with Englishmen from Annamaboe, the mate, that they traded only with the natives; the master, that they were ten days at British Accra, and *bought* cowries, the mate, that they were five days there, and *sold* cowries.

Both the bills of lading appeared after their completion to have added to them 46 barrels of tobacco, but this the master denied; whilst neither of them included a bale of foreign goods mentioned in the manifest. Indeed throughout it was observable that the papers of the voyage were deficient in that openness and clearness which would have obtained for them a *bonâ fide* character.

Taking all these circumstances into consideration, together with the fact of this vessel carrying a very large crew for her tonnage, and the well-known connexion of Almeida and Costa, her owner and supercargo, as well as that of her mate, Carvalho, for some time past with the Slave Trade, the Court declared it could not come to any other conclusion than that the "*Nova Fortuna*" when seized was concerned in the Slave Trade, and she was accordingly condemned.

(Signed) WALTER W. LEWIS.
M. L. MELVILLE.

Sierra Leone, July 22, 1841.

No. 127.

Her Majesty's Commissioners to Viscount Palmerston.

Sierra Leone, August 2, 1841.
(*Received September* 20.)

My Lord,

We have the honour of informing your Lordship, that Her Majesty's sloop "Persian," Commander Eden, detained on the 29th of June last, in the River Congo, the Brazilian schooner "*Flor da America,*" Manoel José Pereira, master, whilst engaged in an alleged voyage from Rio de Janeiro to Cabinda, on the ground of her being equipped for, and concerned in, the Slave Trade.

The detained vessel anchored in this port during the night of the 23rd ultimo, and on the following day her prosecution commenced before the British and Brazilian Mixed Commission on the above-mentioned charge, which having been satisfactorily established, her condemnation was decreed on the 31st ultimo.

Our report of this case is herewith laid before your Lordship.

It appeared from a paper found on board this vessel, that the "*Flor da America*" was either chartered or owned by José Antonio de Sampaio Guimarães, merchant of Rio de Janeiro, with whom the first mate and ostensible master of this vessel seems to have been connected in Slave Trade adventures for some time past.

We have, &c.,
(Signed) W. W. LEWIS.
M. L. MELVILLE.

The Right Hon. Viscount Palmerston, G.C.B.,
&c. &c. &c.

Enclosure in No. 127.

Report of the case of the Brazilian schooner "Flor da America," *Manoel José Pereira, Master.*

The official papers under which the "*Flor da America*" sailed were as follows:—

1. Imperial passport.
2. Muster-roll.
3. Bill of health.
4. Manifest.
5. Receipt for port dues.

The passport bore date on the 18th of April, 1840, and stated that this vessel was bound from Rio de Janeiro "to Angola, touching at the Northern ports and St. Thomas," under the command of Antonio Rozendo da Silva, and that she was owned by Manuel Nunez Pereira.

The muster-roll and bill of health were in strict conformity with the terms of the passport, and described her crew as consisting of 10 persons.

The manifest and bill of lading thereto were both signed by Antonio Rozendo da Silva, the master named in the passport, and bore date at Rio on the 17th of April, 1840. On the following day they were officially authenticated by the Portuguese Vice-Consul at Rio, Francisco João Moniz,

The cargo appears to have been a general one, and as much as the schooner could have conveniently carried. It was shipped by José Antonio de Sampaio Guimarães, or Guimaraens, of Rio de Janeiro, and was consigned jointly to Manoel José Pereira and Antonio Rozendo da Silva, the former of whom appears in the muster-roll as first mate, and the latter as master of the schooner in all the papers.

In addition to the official papers above described, there were 33 others, of 5 only of which it will be necessary to give an account, the rest consisting of private and unimportant documents, and several of them being of old date.

A letter dated June 9th, 1841, from a person who signs himself "Medeiros," was addressed to Manoel José Pereira, at Boma, and was to the effect following:—"This morning I got your note directed to me at Porto Rico; I must acquaint you that the same day, or the day after, you left this, the brig 'Brisk,' and the day after the brig 'Persian,' showed themselves and waited outside the port, sending in their boats. Don Pedro (Malagarte) had some conversation with the officers, and asked them if they considered that a Brazilian vessel would be allowed to proceed to Rio de Janeiro in ballast with 9 casks of water and sufficient provisions for 20 prisoners; the answer they gave him was in the negative, and that this would be as much an infringement of the law as any other process. Don Pedro (Malagarte) is of opinion that when the boats and the vessels have left, you had better come here as being the only means of making your voyage."

From the letter hereunder given it will be evident that the "Pedro" alluded to in the foregoing communication is Pedro Malagarte, and the person who was to provide a cargo at Cabinda for this vessel on her return to Rio; and also that the captain of the schooner, named in the papers Antonio Rozendo da Silva, was at Cabinda, no doubt for the purpose of arranging for their departure. This letter was addressed by Manoel José Pereira on the 3rd of July, 1841, to Pedro Malagarte, at Cabinda, and was as follows:—

"FRIEND AND SIR,

"WHILST at anchor at Porto da Lenha on the 30th ultimo, intending the next day to go to Cabinda to receive the prisoners, having before addressed Senhor Medeiros (the writer of the foregoing letter) to have ready 8 pipes of water, and provisions sufficient for the crew and 20 prisoners, so that everything might be ready for a start, I was boarded and detained by three boats belonging to Her Majesty's brig of war 'Persian,' and as yet I am ignorant as to what place we are destined, or where the commander will order us. I would ask the favour of your stating the facts to *the captain* as to the nature of this voyage, and that it was my intention only to receive on board the 20 prisoners in addition to the crew."

There was a second letter written to Cabinda by Pereira on the 3rd of July ultimo, which was addressed to Faustino Jozé de Barros, communicating the detention of the vessel, and requesting of Barros, should he have "the opportunity, that he will explain to *the captain* the true state of the case, and his wish to have gone out in ballast and proceeded to Rio de Janeiro with the prisoners." Pereira mentions to Barros that he has left at Porto da Lenha, with Don Angele, "7 old women and 13 he-goats," with a small box and 2 mats, all of which he wishes to have forwarded to Rio.

An account dated 26th of September, 1838, between Manoel José da Silva and José Antonio de Sampaio Guimarães, shows their money transactions in the course of a few months to have been to the extent of nearly 6000 dollars, but the nature of these transactions could not clearly be discovered from the account current, which consists chiefly of entries of "money lent," one of which is for 4000 dollars. There is a credit given at the foot of the account current for 3638 dollars in one sum, apparently as the result of some adventure in which the parties had been jointly engaged.

Another account current between Guimarães and Manoel José Pereira shows their pecuniary transactions for eighteen months, ending in April, 1840, to have been of the amount of nearly 15,000 dollars. Judging from the terms in which some of the entries in this account current have been made, it would appear that Pereira had been for some time past in the employ of Guimarães, and engaged in slaving adventures, as we find Pereira receives credit for "*wages due for* 1839" no less a sum than 4000 dollars (1000*l.*), and that in March, 1838, Pereira had advanced to Guimarães 4000 dollars as his share of the adventure of the "*Secundo d'Abril*," which ultimately realised him a profit of 2076 dollars.

On the 24th of July ultimo the Marshal to the Mixed Courts reported the arrival of the detained vessel in this harbour during the previous night; and on that day proceedings were instituted against her in the British and Brazilian Court, where the ship's papers, which had been first duly authenticated, were filed together with the seizor's declaration; the usual monition was issued, and the witnesses in preparatory were ordered for examination.

The seizor's declaration was as follows:—"I, Thomas Rodney Eden, Esq., commander of Her Britannic Majesty's sloop 'Persian,' hereby declare that on this 29th day of June, 1841, being in the River Congo, I detained the schooner '*Flor da America*,' sailing under Brazilian colours, commanded by Manoel José Pereira, who declared her to be bound from Rio de Janeiro to Kabenda, on the coast of Africa, with a crew consisting of 10 men.

"I further declare that, on examining the said vessel, I discovered that she carries 8 large casks of water, being a much greater quantity than is requisite for the consumption of the crew of the vessel as a merchant vessel; she does not produce any register of the vessel entitling her to claim the protection of the Brazilian flag for her present voyage; her cooking place being on a large scale, constructed of iron-bars, on a foundation of masonry, capable of cooking a greater quantity of provisions than is necessary for her crew; she has also a quantity of matting not requisite for her use as a merchant vessel; instead of a second or slave-deck, her hold is filled with sand to a level with the tops of her water-casks, such an immense quantity of sand not being requisite as ballast for so small a vessel; and further, she does not produce any log of her proceedings, nor can anything of the kind be found in the vessel."

On the 26th ultimo the Registrar examined Manoel José Pereira, the person found in charge of this vessel, who styled himself her master, but who appears on the muster-roll as first mate. This witness deposed, That "he was born at Braga, in Portugal. Resides at Rio de Janeiro, and has lived there 32 years. Is now a Brazilian subject; but witness emigrated from Portugal to Brazil when quite a youth, and before that period was a subject of the former state: is a widower, and his family reside at Rio de Janeiro. Jozé Antonio de Sampaio Guimarães, the owner of the vessel, appointed witness to the command, and also delivered possession to him. The said José Antonio de Sampaio

Guimarães lives at Rio de Janeiro, and is a Brazilian subject. Took charge of the detained vessel at the above-mentioned city on the 6th of April, 1840. Has known her three years. First saw her at Rio de Janeiro; she was built at San João de Campos, a place at the distance of two days sail north of Cape Frio, in Brazils. Witness was present at the capture of the vessel, but is ignorant upon what pretence she was so seized. The said vessel sailed under Brazilian colours, and had in addition a United States' flag on board, which, however, was used solely as a signal. The vessel has always been called the '*Flor da America*,' and witness has never known her to go by any other name. Her burthen is 60 tons, and she was navigated by a crew of 9 officers and sailors, not including witness, some Portuguese and some Brazilians, but all shipped and hired by witness at Rio de Janeiro on the 16th of April, 1840. None of the officers and mariners, with the exception of witness, had any share or interest in the vessel or lading. He (witness) had an interest of one-third in the adventure, for which he paid José Antonio de Sampaio Guimarães 2500 dollars, but had no share in the vessel. Was master on board. There were no passengers. The present voyage began at Rio de Janeiro on the 23rd of April, 1840, and was to end at that place; thence the vessel proceeded to the River Congo, and arrived there on the 9th of June, 1840. Rio de Janeiro was the last port of clearance. On arrival in the River Congo witness established a trading factory at Boma, for the purpose of procuring the orchella or orchel weed and ivory. Witness left Boma on the 20th of June, 1841. During his stay at the above-mentioned factory, witness carried on lawful trade, and despatched one cargo of orchella weed and ivory to Lisbon on or about the 24th of November last, in a barque called the '*Constante*,' commanded by Francisco Antonio de Medeiros. Touched at no other port or place previously to capture. The vessel was at anchor at a place called Porto da Lenha, about 20 miles from Cape Padrõa, shipping water and ballast, when the man-of-war first came in sight on the 29th of June last. The course of the vessel to Cabinda (whither she was proceeding to take on board passengers, who had lately formed the crews of condemned slave-vessels, for a passage to Rio de Janeiro) had never been deviated from. There are 2 guns mounted (three-pounders), 4 muskets, 2 cutlasses, and 2 small kegs of powder. The vessel was so armed to repel any attacks from the natives. No resistance was made; neither had witness any directions to resist or avoid capture, nor to destroy or conceal any of the ship's papers. José Antonio de Sampaio Guimarães is the sole owner of the vessel. Knows this from the said owner having given witness command of the vessel, and from having been at Rio de Janeiro at the time of the purchase of the vessel. Guimarães is a Portuguese by birth, but now resides at Rio de Janeiro with his family, being a merchant of that city, and considered a Brazilian subject from his long residence there. Witness cannot state the exact period of his (the owner's) residence at Rio de Janeiro. To the best of his knowledge and belief the said owner formerly lived at Oporto. There is a bill of sale now in the possession of the owner at Rio de Janeiro. To the best of witness's knowledge and belief it is about three years (at the time when witness first saw the vessel at Rio de Janeiro) since the said document was made. Is ignorant of the names of the seller or sellers of the witnesses to the sale, and of the price paid for the vessel. Last saw the bill of sale at Rio de Janeiro about three years ago, did not read its contents. Knows that the owner paid the purchase-money, and that the sale was a true one, having been told so by the said owner; but he cannot say whether the amount so paid was a fair equivalent. Verily believes that the vessel, if restored, will belong to the said José Antonio de Sampaio Guimarães, and to no other person. Witness knows of no private agreement for the return of the vessel to her former owners. The owner of the vessel was the lader of the cargo, two-thirds of which belonged to him and one-third to witness, the whole being under consignment to himself. The said cargo was to have been disposed of on the Coast of Africa for produce under the direction of witness. Knows that Guimarães owns two-thirds of the cargo from his having shipped and delivered it to witness, and that therefore if restored it will belong to the said owner and himself. He does not know the description of cargo which the vessel carried on her last voyage. The lading on the present voyage consisted of powder, dry goods, muskets, beads, and aguadiente. The detained vessel touched at Cabinda for 18 hours after capture, and then came direct to Sierra Leone. All the papers found on board the detained vessel are true and fair, and no variation, for the purpose of investing them with a false character, has been made at any time by any person. None of the bills of lading, letters, or other papers taken on board at the time when the detained vessel left Rio de Janeiro, have been destroyed or concealed at any period of the voyage. There are no papers of any description, except the bill of sale, in any other country concerning the vessel or cargo. No charter-party was signed for the voyage. He does not know whether the vessel or cargo has been insured either partly or entirely. Bulk was broken by witness's direction, at Boma, in the River Congo, in the month of June, 1840, for the purpose of making trade. None of the cargo has been landed at any other place. The hatches of the vessel are not fitted with open gratings. The coamings of the hatchways are not, nor have they ever been, bored to receive iron bars or wooden gratings. There are no round or flat iron bars on board. There are two bulkheads, those of the cabin and forecastle, and two bunks or sleeping berths. There are no spare planks. There is no slave-deck nor a part of one laid. There are no shackles, bolts, or handcuffs. There are 8 pipes and 3 barrels on board—6 of the former being now full of fresh water and 2 (which also contained water at the time of capture, but which have been expended in the voyage to Sierra Leone) empty—the 3 barrels still hold aguadiente. There were no tanks nor staves. The 8 pipes and 3 barrels are capable of containing 1175 gallons of liquid. This large quantity of water was on board, not only for the consumption of the crew, but principally for the passengers, who were to have been shipped at Cabinda for Rio de Janeiro. There is only one mess-tub on board for the use of the crew. There are no large copper or iron boilers. The cabouse is small, and fitted with two small boilers. There is but a small quantity of firewood. There are 3 bags of farinha and 1 or 2 bags of Indian corn for the consumption of the crew; but no rice, flour, nor jerked beef."

The other witness sent up by the seizor was the cook of the detained vessel, named Bernardo, a native of the Okoo country, and who knew so little of Portuguese that the Registrar had to examine him through an Okoo interpreter.

This witness proved to be exceedingly ignorant, having a most imperfect knowledge of the mode used to calculate the passage of time, and could testify to little or nothing respecting the vessel or her voyage, the owner or even the master of her, whom he had only been acquainted with since he joined the schooner for the voyage in which she had been detained. The master's statement that the crew found on board had been all shipped by him at Rio de Janeiro in April, 1840, was, however, contradicted by this witness, who swore that the crew shipped at Rio had either died or deserted in the River

Congo, and that the hands found on board were men who had belonged to slavers captured on the coast to the southward of the equator, and who were shipped on condition of working their passage across to Rio. We allude thus pointedly to this explanation, as from it a contradiction may be inferred to some extent of the master's statement, that his illegal equipment had been embarked for the use of his 20 passengers to Rio from Cabinda, and whom he represented as having formed the crews of captured slavers. Concerning the voyage, the witness could only depose that it began about a year ago at Rio, at which port it was to have ended; and that they went thence to the River Congo, and there remained until the time of seizure. As to the trade he knew nothing; and of the master's alleged large shipment of orchella and ivory to Lisbon he appeared to be equally ignorant.

Publication of this evidence was given on the 29th ultimo; and on the succeeding day the surveyors presented their sworn report of the equipment of this vessel.

The surveyors stated that the schooner had three hatches, two of which were of the ordinary kind, but the third, the main hatch, was of the unusual dimensions of seven feet six inches in length and three feet ten inches in width. That there were only the requisite bulkheads or divisions below deck, but that on deck the schooner was provided with two moveable sleeping berths, which the surveyors reported as "not required in a lawful trader." That the hold of the vessel was filled to the level of the water casks, and within four feet five inches of the deck, with sand, on which mats could conveniently be spread, thereby offering a substitute for the usual slave-deck. There were also found on board nine very large coarse mats. Two streaks of the ceiling were removed, affording the means of support to slave-deck beams should it be desired to lay a wooden slave-deck. Eight water casks were found on board, together equal to carrying 1040 gallons, a quantity not required by the crew, in the opinion of the surveyors. The cabouse was so formed as to be capable of receiving a boiler two feet four inches in length and two feet in breadth. And a very large quantity of firewood was on board, forming a supply much beyond the wants of the crew of the vessel.

The monition in this case was returned on the 31st ultimo, on which day the Court met for the adjudication of the case.

The thorough disregard of truth observable in the evidence of the man Pereira, who was found in command of this vessel, particularly in respect to his contradiction of the official papers of the schooner, by declaring that Guimarães, the owner of the cargo, was also owner of the vessel, and that he, Pereira, was the master of her, induced the Court to attach no weight to his solitary attempt at explanation of the vessel's illegal equipment, by representing that the unnecessary number of water-casks on board were for the use of the crew and the passengers whom he proposed to take from Cabinda to Rio de Janeiro, and which passengers he described as persons who had formed parts of the crew of captured slavers, an account rejected by the Court as unreasonable under all the circumstances of the case. The schooner, therefore, was left liable to the full consequences of having been seized fitted for the traffic in slaves, and a sentence of condemnation was in consequence pronounced upon her.

(Signed) WALTER W. LEWIS.
M. L. MELVILLE.

Sierra Leone, August 2, 1841.

No. 128.

Her Majesty's Commissioners to Viscount Palmerston.

Sierra Leone, August 3, 1841.
(*Received September* 20.)

My Lord,

We have the honour to forward herewith our report of the case of the brigantine "*Dona Elliza,*" condemned this day in the British and Brazilian Court of Mixed Commission, for being equipped for the Slave Trade.

In this case there were no papers to show the nationality of the vessel, but we were of opinion, that her flag and the corroborative evidence of the mate sufficiently established her Brazilian character.

From the ignorance of this witness, affected or real, we were unable to trace the proceedings of the vessel prior to her capture, but of the intention to employ her in the conveyance of slaves we could have no doubt.

We have, &c.,
(Signed) WALTER W. LEWIS.
M. L. MELVILLE.

The Right Hon. Viscount Palmerston, G.C.B.,
&c. &c. &c.

Enclosure in No. 128.

Report of the case of the brigantine "Dona Elliza," *Antonio da Silva Monteiro, Master.*

This vessel was detained under Brazilian colours in the roadstead of Benguela on the 30th of June, 1841, by Lieutenant Matson, commanding Her Majesty's brig "Waterwitch," who found her equipped, as he considered, for the Slave Trade, but without any ship's papers to indicate her nationality.

The "*Dona Elliza*" arrived in Sierra Leone on the evening of the 25th of July, and was reported by the Marshal the following morning. Proceedings commenced against her in the British and Brazilian Court of Mixed Commission on the 27th, when the captor's declaration and the affidavit of the prize-officer were filed in the case, together with some papers which had been discovered on board, but which subsequently, after a careful examination, were found to be unimportant, and to consist of old logs bearing name neither of master nor of vessel, manuscripts on navigation, and some smaller papers of no value, and mostly without date or without signature.

The captor's declaration is as follows:—"I, Henry J. Matson, lieutenant and commander of Her Britannic Majesty's brig 'Waterwitch,' hereby declare that on this 30th day of June, 1841, being in the roadstead of Benguela, I detained the brigantine named the '*Donna Elliza*,' sailing under Brazilian colours, not armed, in the temporary command of Joaquim José d'Azevedo, the mate, who declared that the master Antonio da Silva Monteiro was ashore, and had with him the vessel's papers; that she was bound from Cape Verd Islands to Benguela, and to return to Cape Verd, with a crew consisting of eight men, whose names were not taken, no boys, no passengers, and being equipped for the Slave Trade, having on board a larger quantity of water than necessary for the crew of any merchant vessel, an extraordinary quantity of farinha, rice, and dried beef, the mate not being able to give any reason for having it.

"I do further declare that I seized this vessel in the first instance on suspicion of her being a Portuguese; that although lying in a Portuguese roadstead no national colours were hoisted on shore during the stay of the 'Waterwitch;' that the governor left a few days since, leaving the place literally in the hands of slave traders, which circumstance I considered justified my searching in an open roadstead for Portuguese slave vessels, in pursuance of my instructions.

"I do further declare that I waited until two P.M. on the 1st of July for the master of the vessel, when I was informed by a person sent off by the acting governor that he had absconded, and could not be found."

The affidavit of the prize officer authenticating the papers, stated in addition that at the time of seizure the master of the "*Dona Elliza*" was, as the mate informed the captors, on shore, and had the vessel's papers with him; that Lieutenant Matson in consequence sent a letter to the authorities at Benguela, requiring the attendance of the said master, and after waiting till the 1st of July, a messenger was sent off to Her Majesty's brig "Waterwitch," to state that the master had absconded, and could not be found; that the mate and boatswain were left on board the "*Dona Elliza*," to be sent to Sierra Leone, and the remainder of the crew landed at Benguela; but on the day after seizure the boatswain being found to be labouring under a severe attack of fever, and also to be covered with ulcers, the prize officer (having no medical man on board) had him conveyed to a Portuguese brig lying at anchor at Benguela; that it was found impracticable to procure any other of the captured crew in the boatswain's stead, as they had all been landed previously; and finally that (as appeared from a certificate signed by Lieutenant Matson, and attached to the affidavit) the commander of the "Waterwitch" had taken 600 gallons of fresh water out of the prize for the use of Her Majesty's brig.

The monition and a commission of survey were issued the same day on which the above-mentioned documents were filed, and on the following day (the 28th) the mate, Joaquim José d' Azevedo, was brought up and examined by the Registrar on the standing and standing special interrogatories, and deposed that "he was born at Pernambuco. Has resided at Rio de Janeiro for the last four years, and has never been under allegiance to any other state or power than Brazil. Is not married. The name of the master is Antonio da Silva Monteiro; he was left behind at St. Philip de Benguela, from severe illness, and witness then engaged to take charge of the detained vessel. Has known the said master about two months. He lives at Rio de Janeiro. Does not know where he was born, nor whether he be married. Does not know who appointed the master to the command of the vessel, or gave him possession. First saw the vessel at Benguela about the middle of May last. To the best of his knowledge and belief she is Brazilian built. Witness wss present at her seizure, but cannot say for what reason detention took place. The vessel sailed under Brazilian colours; had likewise a private signal flag on board, somewhat resembling Buenos Ayrean colours. The vessel has never borne any other name than '*Dona Elliza*,' to witness's knowledge. Does not know her tonnage. There were nine offieers and mariners, exclusive of the master, Portuguese and Brazilians. Is ignorant at what port or ports, or by whom they might have been shipped, as he found all the crew on board when he engaged as mate at St. Philip de Benguela, in May last; had no share himself in vessel or cargo. Cannot say whether any of the officers or mariners had any interest in either. Was second mate. There were no passengers. He does not know where the voyage began, as witness only joined the vessel at St. Philip de Benguela in May last. It was to have ended at the Cape Verds. Is ignorant of the last port of clearance, never having had access to or seen any of the ship's papers. Touched at no port or place during the voyage of detention, except at Benguela. The vessel was at sea fifteen days altogether after leaving Benguela for the Cape Verds, her destination; and having sprung a leak, was compelled to put into St. Philip de Benguela a second time; reached that port on the 1st of June. Here every effort was made to repair the vessel, and in this work the crew of a Portuguese sloop-of-war, the '*Princeza Réal*,' rendered every assistance. Had frequent communication with the shore at Benguela, but not for commercial purposes, to the best of witness's knowledge, as the vessel was to go in ballast to the Cape Verds, and was in this state when witness first came on board. Capture took place at Benguela on the night of the 1st July last. The detained vessel was at anchor at the time the man-of-war's boats boarded and took her. Did not attempt to get under weigh, most of the crew being below and asleep when seizure took place. The course of the vessel had been always directed to the Cape Verds previously to springing the leak, which circumstance obliged her to return to St. Philip de Benguela for repairs. Thinks that after the stoppage of the leak the vessel would again have proceeded to the Cape Verds. There are no guns mounted, nor any muskets, cutlasses, pistols, or ammunition: no resistance could therefore be made; neither had he any instructions from the captain to do so. Had no directions to destroy or conceal any of the ship's papers. He does not know who the owners of the vessel are, nor anything about them, never having received, during his short employment on board, any information on this subject, either from the master or any of the crew. He knows nothing about any bill of sale, or the price of the vessel. Cannot tell to whom she would belong in the event of restitution. Does not know if there be any private agreements. When witness joined the vessel she was in ballast, and therefore he cannot tell who were the owners and laders of the outward cargo, if, indeed, any had been landed during the present voyage. The consignee at Ben-

guela is one Senhor Vianna (cannot remember his other names) ; he is a merchant and resident of the above-mentioned place. Does not know at whose risk, and on whose account, the outward cargo, if there were any, was shipped. He cannot say of what the lading of the vessel might have consisted on the last voyage, since he only shipped at Benguela two months ago. Is also ignorant of the nature of the outward cargo on the present voyage, the vessel having been in ballast when he (witness) went on board as second mate. Came direct to Sierra Leone after capture. He does not know whether the passport and other papers are true of false, because witness has never seen or examined them. Has heard that the captain carried away the said papers in his trunks when he went ashore. Witness never on any occasion saw any of the papers destroyed, concealed, or made away with ; nor were any papers delivered out of the vessel or carried away. Cannot say whether there are any papers relating to the vessel or cargo in any other country. Knows nothing of any charter-party. Does not know whether the vessel was insured. Cannot say whether bulk was broken during any part of the voyage. The hatches are not fitted with open gratings. The hatchways are not bored for the reception of iron bolts or bars, or for wooden gratings. There are no irons on board. There are three bulkheads, separating the cabin from the store-room, the store-room from the hold, and the forecastle from the hold. There are two single sleeping-berths on deck. There are no spare planks. There is no part of a slave-deck laid. There are no shackles, bolts, or handcuffs. There are 16 pipes, 1 hogshead, and 2 barrels on board, but no tanks or staves. Thinks that the above-mentioned casks are capable of receiving about 2030 gallons of water. Witness says that nearly all the water-casks, to the best of his knowledge and belief, were full at the time of seizure; but cannot tell how many are so now, or whether the water contained in the said casks is fresh or salt. Shipped this large quantity of water for ballast. There are two or three mess-tubs on board for the use of the crew. There are no large iron or copper boilers on board. The cabouse is a small one. Witness does not know how many boilers there are to fit into it. There are 3 bags of rice, 23 bags of farina, and 125 lbs. of jerked beef, for the consumption of the crew."

On the 28th the Commissioners of Survey reported on the equipment of the vessel. That they had found the main hatch larger than required in a merchant vessel of the "*Dona Elliza's*" class, being 6 feet 10 inches long by 4 feet wide. That there was a bulkhead below more than necessary for the vessel, if engaged in legitimate traffic ; and two banks or sleeping-berths on deck, not required in a lawful trader. That the ceiling of the vessel was open on both sides to within 5 feet of the deck, on which spars might be laid to receive a slave-deck ; and that there were four rough boards, capable of being used to form part of a slave-deck. That there was one shackle-bolt 2 feet 11 inches in length. That there were 20 water-casks, capable of holding 2215 gallons, a quantity far greater than sufficient for the crew ; and that 13 of these casks were still filled with fresh water. That the cabouse of the vessel was so constructed that the top might be opened to receive a boiler of very large dimensions, the lower part being at the same time furnished with an oven much larger than requisite for the crew of the vessel. That there were of farina 29 bushels, of rice and corn 4¾ bushels, and of jerked beef 1½ hundred-weight, a greater quantity of provisions than requisite for the crew. And, finally, that there were 5 tin syphons on board, alleged to be used by the slaves for drinking water from the casks.

There being no further evidence to adduce, and no claim having been presented, the proctor for the captors closed his case, and prayed, on the 31st of July, for a day of trial, which was appointed for the 3rd of August, on which day the monition having been returned, the Court met, and being of opinion, from the evidence brought forward, that the Brazilian character of the vessel had been established, and her equipment for the Slave Trade fully proved, pronounced sentence of condemnation accordingly.

(Signed) WALTER W. LEWIS.
M. L. MELVILLE.

Sierra Leone, August 3, 1841.

HAVANA.

No. 129.

Viscount Palmerston to Her Majesty's Commissioners.

GENTLEMEN, *Foreign Office, January* 11, 1841.

WITH reference to your Despatch of the 3rd of December, 1839, respecting a cargo of slaves which were landed on the Island of Cuba from the Portuguese ship "*Amqlia,*" I herewith transmit to you a copy of a Despatch from Her Majesty's Envoy at Madrid, containing an assurance from the Spanish Government, that orders have again been sent to the authorities at the Havana, enjoining them to cause the provisions of the Treaties for the Suppression of Slave Trade to be scrupulously fulfilled.

I am, &c.,
(Signed) PALMERSTON.

Her Majesty's Commissioners,
&c. &c. &c.

Enclosure in No. 129.

Mr. Aston to Viscount Palmerston, December 21, 1840.

(See Class B., 1840, No. 32, p. 26.)

No. 130.

Viscount Palmerston to Her Majesty's Commissioners.

GENTLEMEN, *Foreign Office, January* 19, 1841.

WITH reference to previous correspondence respecting the tonnage duties exacted at the Havana on the return of vessels, freighted to convey away from Cuba Africans liberated by the Mixed Court of Justice in that island, I herewith transmit to you, for your information, a copy of a communication from Her Majesty's Envoy at Madrid, stating that the Spanish Government decline to comply with the request made by Her Majesty's Government, that the tonnage duties in question might be remitted.

I am, &c.,
(Signed) PALMERSTON.

Her Majesty's Commissioners,
&c. &c. &c.

Enclosure in No. 130.

Mr. Aston to Viscount Palmerston, December 21, 1840.

(See Class A., 1840, No. 31, p. 25.)

No. 131.

Her Majesty's Commissioners to Viscount Palmerston.

Havana, December 15, 1840.
MY LORD, (*Received February* 13, 1841.)

THE only vessel we have had reported to us as having sailed from this

port during the last month, under suspicion of being intended for Slave Trade, is the Portuguese brigantine "*Josefina*," which cleared out hence on the 3rd, ostensibly for Monte Video, but whose real destination is believed to be for the coast of Africa, not only from the circumstance of her sailing under the Portuguese flag, but also from no entry being made of the names of master or merchant, as is usual in the course of lawful business.

The arrivals, however, during the month, we regret to observe, fully equal in number any at this season of former years, and we regret it the more, as we fear our reports do not reach the full number, from finding our difficulties of obtaining information on such points continually increasing. Still the facts of such arrivals remain unquestionable; and though names and particulars of minor details may not reach us, we are enabled to trace sufficient to show the unabated extent of slave-dealing transactions.

Nov. 2.—A vessel consigned to M. Forçade arrived, and landed on the coast, it is said, 427 negroes.

„ 6.—A Portuguese schooner entered the harbour, of which no notice being taken in the public notices of arrivals, raises a presumption of its not having been engaged in lawful trading.

„ 15.—Portuguese brig "*Vigilante*," consigned to Menendez, Mendive, and Co., having landed about 560 negroes on the coast.

„ 15.—Portuguese brig "*Aguila*" arrived without any negroes, having found the port to which she was destined so blockaded, that she was obliged to return empty.

„ 15.—About the same time arrived a schooner, consigned to D. Pedro Martinez and Co., with about 240 negroes.

„ 23.—Portuguese schooner landed upwards of 230 negroes at Mariel.

„ 23.—About the same time a "*Pailebot*," with 286 negroes, arrived, consigned to Forçade.

„ 30.—Portuguese brig "*Gabriel*" arrived in this port, after having landed on the coast more than 400 negroes. While in the act of embarking her cargo, it is said, she was attacked by an English schooner of war, so that she was obliged to leave 200 negroes behind. Two launches, full also of negroes, it is said, were sunk by the balls of the English schooner in firing upon her,—a circumstance much to be lamented, if true. The "*Gabriel*" was expected to bring as many as 800, and belongs to the slave-trading firm of Manzanedo and Abrisqueta.

Altogether the numbers mentioned above amount only to under 1800, but we have heard from good authority that as many as 2600 were brought during the month.

The vessel which landed her cargo on the 23rd was fallen in with off the coast by Her Majesty's surveying schooner "*Lark*," Captain Smith, who, however, did not chase her, as he had not the "instructions" required.

From these and the latter reports your Lordship will perceive that the American flag seems to be falling into disuse; and we trust that your Lordship's remonstrances to the United States Government will be attended with effect. Mr. Trist is still absent, and we learn has been called on to answer the report which Mr. Everett had made on the subject of the assistance he had lent the slave-dealers, in pursuance of the mission entrusted to Mr. Everett, as detailed to your Lordship in Mr. Kennedy's separate Despatch of the 15th June last. Mr. Everett again arrived here the beginning of last month, but we understand only on private business connected with the ice-house monopoly, though it is not improbable he may hold secret instructions and powers to take charge of the consulate, should any emergency require it. We have reason to believe that he had such authority on his former visit to this place. The Vice-Consul meanwhile is acting as Consul.

We have, &c.,

(Signed) J. KENNEDY.
CAMPBELL J. DALRYMPLE.

The Right Hon. Viscount Palmerston, G.C.B.,
&c. &c. &c.

No. 132.

Her Majesty's Commissioners to Viscount Palmerston.

Havana, January 1, 1841.
(*Received February* 13.)

MY LORD,

IN obedience to the Act 5 Geo. IV. c. 113, directing such Return to be made on the 1st day of January and the 1st day of July in every year, we have the honour to report that there was no case brought before the Mixed Court of Justice at this place during the six months last past.

We have, &c.,
(Signed) J. KENNEDY.
CAMPBELL J. DALRYMPLE.

The Right Hon. Viscount Palmerston, G.C.B.,
&c. &c. &c.

No. 133.

Her Majesty's Commissioners to Viscount Palmerston.

Havana, January 1, 1841.
(*Received February* 13.)

MY LORD,

IN obedience to the directions given in your Lordship's Despatch of the 7th of July, 1840, desiring us to transmit half-yearly Returns of the number of captured negroes put on board the "Romney" during the preceding six months, we have the honour to report that there have been no captured negroes put on board that vessel during the six months last past.

We have, &c.
(Signed) J. KENNEDY.
CAMPBELL J. DALRYMPLE.

The Right Hon. Viscount Palmerston, G.C.B.,
&c. &c. &c.

No. 134.

Viscount Palmerston to Her Majesty's Commissioners.

GENTLEMEN,

Foreign Office, February 26, 1841.

WITH reference to your Despatch of the 31st of October, 1839, and to previous correspondence respecting the Spanish law by which free negroes are forbidden to land in the Island of Cuba, I herewith transmit to you for your information a copy of an instruction which I addressed upon this subject to Her Majesty's Envoy at Madrid, together with the copy of the representation which Her Majesty's Envoy made to the Spanish Government in pursuance of that instruction.

I am, &c.,
(Signed) PALMERSTON.

Her Majesty's Commissioners,
&c. &c. &c.

Enclosures in No. 134.

Viscount Palmerston to Mr. Aston, October 20, 1840.

(Class B., 1840, No. 20, page 19.)

Mr. Aston to Viscount Palmerston, February 8, 1841.

(Class B.)

No. 135.

Viscount Palmerston to Her Majesty's Commissioners.

GENTLEMEN, *Foreign Office, February* 27, 1841.

WITH reference to your Despatch of November the 7th, 1840, containing an account of an assault committed by a Spanish subject upon one of the soldiers of Her Majesty's ship "Romney," I herewith transmit for your information a copy of an instruction which I addressed upon this subject to Her Majesty's Envoy at Madrid, together with a copy of the representation which Her Majesty's Envoy made to the Spanish Government, in pursuance of that instruction.

I am, &c.,

Her Majesty's Commissioners, &c. &c. &c. (Signed) PALMERSTON.

Enclosure in No. 135.

Viscount Palmerston to Mr. Aston, December 29, 1840.

(See Class B., 1840, No. 30, page 25.)

(Extract.) No. 136.

Viscount Palmerston to Her Majesty's Commissioners.

Foreign Office, March 15, 1841.

I HAVE received from Mr. Turnbull a copy of correspondence which he has had with the Governor-General of Cuba, respecting the emancipated negro Gavino.

I transmit to you copy of an instruction which I have addressed to Mr. Aston, Her Majesty's Minister at Madrid, stating the demands of Her Majesty's Government with respect to negroes emancipated under the Treaty between Great Britain and Spain.

I likewise transmit to you a copy of the instruction which I have addressed to Mr. Turnbull upon this subject.

I have to desire that you will concert with Mr. Turnbull the best mode of carrying into effect the desire of Her Majesty's Government with respect to the Africans liberated under the Treaty of 1817; and that, placing yourselves in communication with the authorities of Cuba, you will make with them preliminary arrangements, under which the unfortunate Africans in question may be brought before you, and then handed over, if they wish it, to the Superintendent of Liberated Africans, to be by him sent to a British colony, where they will by law as well as by treaty be free.

I cannot close this Despatch without enjoining you, as an essential part of your duty, to act always in cordial concert with Her Majesty's other functionaries in Cuba and elsewhere, upon subjects connected with Her Majesty's service.

I am, &c.,

Her Majesty's Commissioners, &c. &c. &c. (Signed) PALMERSTON.

Enclosures in No. 136.

1. *Viscount Palmerston to Mr. Aston, March* 4, 1841.
2. Enclosure in the preceding—*Mr. Turnbull to Viscount Palmerston, December* 30, 1840.
3. *Viscount Palmerston to Mr. Turnbull, March* 4, 1841.

(See Class B.)

No. 137.

Her Majesty's Commissioners to Viscount Palmerston.

Havana, January 1, 1841.

MY LORD, (*Received March* 19.)

WE have the honour to submit our annual report of the state of the Slave Trade at this place, and also, as usual, to enclose with it lists of vessels despatched

hence in the last two years, suspected of being intended for that traffic; together with one, of vessels that have arrived here during the last year from the coast of Africa.

Of these vessels, though the particulars we have been able to obtain may not in some respects be so full as might be desired, yet we believe that in the essential point of numbers the lists approach, as nearly as can be hoped for, to correctness. We feel warranted, therefore, on account of the conclusions to be drawn from them and other considerations, to express our humble congratulations on the very marked success they present, attending your Lordship's policy and endeavours to put down the Slave Trade.

Previous to the year 1838 it is well understood that there were about 80 vessels from this port engaged in that traffic. The list for 1837, which is the first we have to be relied on, from the better mode of information then obtained, enumerates as having sailed in that year for Africa 71 vessels.

The list for 1838 enumerates also	71	vessels
The list for 1839 decreased to	59	„
The list for 1840 shows further decrease . . .	54	„

making an apparent decrease of one-fourth in the number of vessels despatched, but in reality more, if we consider that five at least of the American vessels were sent merely with stores and equipments, or as tenders to the slave-vessels.

Nor is the falling off less satisfactorily exhibited in the number of vessels arriving from the coast of Africa.

In 1837 the number returned was		51
In 1838	„	50
In 1839	„	47
In 1840 the enclosed list shows it		41

At first sight this may appear a decrease of only about one-fifth; but an examination of the list will show that of those 41 vessels there were—

1st. Americans that returned in ballast, viz. Nos. 19, 20, 22, 24, and 28	5
2nd. Spanish that arrived only with passengers, the crews of vessels condemned at Sierra Leone, viz. Nos. 1 and 4	2
3rd. Spanish brig "*Aguila*," No. 35, that came back empty, finding her port of destination too strictly watched to be able to enter . .	1

Consequently the real decrease in the arrivals may be estimated at one-third also.

With regard to the number of slaves actually introduced during the year we are further fortunate enough to have obtained a return that may be relied on, as made up from the reports received at the particular place of meeting or exchange for persons engaged in the Slave Trade. This is a store in the Government Plaza or square of the city, belonging to a person named Abreu, whose name is often to be met with in the papers relating to Slave Trade laid before Parliament. From this return, which agrees substantially with our own ascertained lists, we believe we can confidently state, that in 1840 there were but 28 vessels arrived in this port and neighbourhood with negroes, the others having landed their slaves at other places, and that these 28 vessels brought no more than the given number, 10,104 negroes.

From the same authority we learn that in 1840 there were but 6 vessels arrived at Matanzas, which brought 1652 negroes. To Santiago de Cuba it states there were only two cargoes of slaves brought in 1840, but does not give their number, nor any particulars from the other ports of the island. But supposing the two vessels to Santiago brought 550, according to the average of those to Matanzas, making them together 2200, and giving an equal number for Trinidad and the smaller ports, which is certainly a full allowance, still the whole number brought to the island in 1840 would be less than 15,000, or under three-fifths of the supposed average of former years.

Nor is this decrease in the supply to be explained away by any supposition of a decrease in the demand. The price of slaves in the market continues the same; and one of the late cargoes has been sold, we are credibly informed, though the negroes were very young, at the price per head of 425 dollars cash payment.

Meanwhile the planters are continuing their increased exertions for the greater production of sugar. In our former reports we have called your Lordship's attention to this view of the question, as one of the best criterions by which we could judge of the future state of the Slave Trade. In our last yearly report, dated the 1st January, 1840, we stated that, notwithstanding the extraordinary increase of late years in the exportation of sugar, "in the present season it is well ascertained the exports will reach full 700,000 boxes, or 140,000 tons. Our information proved correct, inasmuch as the exports from Havana and Matanzas were returned as 711,000 boxes, and we refer to it as a guarantee for the accuracy of the assertion we now make on the same authority, that the exports of the present season from these two ports will approach to even 800,000 boxes, or 160,000 tons, which is alone equal to the consumption of the British islands. Supposing the exports of the other places in Cuba to amount to 300,000 boxes, and the consumption in the island to another 100,000 boxes, we consider we cannot give a better criterion of the impetus given to sugar cultivation, or of the demand for labour. Such extraordinary increase, double within five years, may no doubt partly be accounted for by the formation of railroads, and the adoption of steam-engines and other improved machinery. But still it must be seen that it could not be obtained without a greater demand, increasing with it, for labourers; and that these labourers, in the present state of the country, must be expected to be obtained only from Africa.

Such might be the expectations at first entertained on this view of the question. But we feel assured your Lordship will be much gratified to learn that a spirit hostile to the Slave Trade has risen up, so practical in its character as to induce many planters to seek free labourers for their estates, in the place of slaves. On this subject several disquisitions have recently appeared in the several periodicals of this city, including the monthly publication of the Sociedad Patriotica. Of one of these, from the *Diario*, or government paper, which is also remarkable for holding a tone in favour of Creole interests, as distinguishable from those of the mother country, we enclose a translation, interesting from its novelty as well as its importance. From this your Lordship will perceive that a number of Catalan colonists, about 60, have been actually brought into this island, under a strict agreement for six years to labour in the field; and if the speculation should prosper, as we trust it may, there can be no doubt that a very severe blow will have been struck at the continuance of slavery itself, as well as of the Slave Trade.

For white labourers Spain possesses an immense advantage in the teeming population of the Canary Islands, containing a hardy race, well prepared for this climate, though their habits of industry are not so well directed, it is said, as are those of the Catalans. From those seven islands it is estimated that more than 15,000 persons emigrate every year to Cuba and South America, of whom not more than one-third come to this island. Under judicious application of her advantages, Cuba might probably secure a larger proportion of those emigrants, and so supply her agricultural wants by labourers, who, if they would require more wages, and better food and treatment than the enslaved natives of Africa receive, would unquestionably compensate for the outlay by their superior intelligence and better-applied industry.

We sincerely trust that this praiseworthy experiment may have a fair trial, and prosper; for without some such substitute for slave labour we fear that the Slave Trade will continue unabated, under the extraordinarily increasing development of the resources of the island. On every side we find proofs of astonishing prosperity, founded on bases too sound to admit a doubt of their continuance. The population of this city in less than 12 years has increased from 94,000 to upwards of 130,000, and that of the other chief cities it is said in proportion. Large towns have sprung up with extraordinary rapidity, Cardenas, about 15 leagues from Matanzas, within the last five years; Cienfuegos, near Trinidad, within the last ten; and a small village, Nuevitas, within the last year, has assumed the character of a flourishing seaport. To this place a railroad is now making from the city of Principe in the interior, containing 55,000 souls, and another is projected thither from Villa Clara, a town of 10,000 inhabitants in the interior, though it is a question whether it be taken to Nuevitas or Cienfuegos.

Meanwhile other improvements are going on in silent but in an astonishingly

rapid progress. The communications with the interior are extended by rail-roads, of which one to the south is already opened to Guines, a distance of 75 leagues, and two others are nearly completed. A fourth, as has been mentioned, is projected from Villa Clara to the sea, and steam-boats are in active employment along the coast, with others advertised soon to be started. The streets and roads about the Havana also are in course of wonderful improvement, the public walks are extended and well kept, and no fewer than eight new fountains within three years have been erected, with more or less taste, in the city and suburbs, for the accommodation and health of the inhabitants. New houses are being erected, but not sufficiently so to meet the demand for them, while rents have risen 50 per cent. within a few years. In the last year it is stated that there have arrived in this city as passengers (according to the government paper)

Nacionales . .	2919
Strangers . .	2847
	5766

of whom probably full two-thirds may be considered permanent additions to the population.

One circumstance we consider worthy of remark with regard to this population, that there are few traces observable of a mixed race, and consequently that one source of danger, supposed to exist among such classes of inhabitants, is not here to be apprehended. This may no doubt be ascribed to the great number of whites, of whom it is said there are in the island 440,000 to 660,000 people of colour, of whom 498,000 are slaves. This would make a proportion of two whites to three coloured persons, whereas in Jamaica, according to Mr. M'Queen's estimate in 1831, there were in round numbers 30,000 whites to a coloured population of 356,000, or as 1 to 10, and since then we understand the white population has considerably fallen off.

Under these circumstances, could the Slave Trade be effectually put down, this fortunate island seems to possess every means of maintaining in sound prosperity a numerous white race interposed between the black population of the West India Islands and the alarmingly increasing coloured population of the Southern States of the North American Union. That white race in this island we think sound policy would require every attention to maintain, and one means in the power of the Spanish Government has been pointed out in the Diario peculiarly advisable. Every year, by the policy of the Government, there are 400 soldiers ordered to Spain on the expiration of their service, and their places and other vacancies are all supplied by recruits from Europe. Many of these 400 retired soldiers would, no doubt, if they had the option, prefer remaining here, and thus form an important addition to the white inhabitants, while the expense of transporting them home might be avoided. But the prospect of increasing the white population of Cuba is by many persons here looked on with apprehension, and General Tacon made no scruple of openly expressing his opinion, that it was sound policy to admit slaves to be brought from Africa, who would in effect be a check upon the whites. Whatever may be the operating causes, it is a melancholy truth, that negroes are introduced so openly and notoriously as to afford no doubt of its being done with the direct connivance of the Government. That the Creole inhabitants have no particular favour for the trade we have every day more reason to believe. In fact, they know full well that it tends not so much for their benefit, or the supply of their estates, which are already sufficiently stocked, as for the benefit of new settlers, opening new estates. These new settlers, who are generally foreigners, and in a large proportion from the United States, are justly regarded as rivals, and therefore are exceedingly distasteful to the natives. As soon as a planter has his estate sufficiently supplied, he has in fact a direct interest in suppressing the Slave Trade, because, if it were suppressed, his property would at once double in value, and the great effect upon the country would be the preventing of the opening of new estates. The owners of slaves would also be under the necessity of paying more attention to their health and reasonable labour, and thus their situation would at once be considerably improved. With such attention there is no doubt but that the agricultural wants for labour in the island might be sufficiently supplied from the natural increase, as in the slave-holding States of the North American Union, where it is well known the coloured population increase at the rate of 60,000 per annum.

Our conclusion is, as we stated in our last year's Report, that the planters would without a murmur see an end put to the Slave Trade, which has, in fact, no other supporters than those who are interested in it. These are, 1st. The slave-dealers; 2nd. The merchants, who, we regret to say, are all more or less involved with the slave-dealers; and 3rd. Those members of the Government who share in the fees paid per head on the introduction of the negroes. To these fees we adverted in our last year's Report also, and refer to them again, principally because we consider them the one great obstacle to the suppression of the Slave Trade, but partly because, by the Parliamentary Papers, we find them brought forward by evidence satisfactory and tangible enough to be treated of beyond our Report (see Papers for 1840, Class A., in two different cases, pp. 39 and 59). We trust, therefore, that your Lordship will not allow of any evasion on the subject, in answer to the representations made to the Spanish Government respecting them (Papers, Class B., p. 16).

When the local Government has so direct an interest in the trade, there can be no wonder at its continuance, nor at another remarkable circumstance in the history of the Treaty, that during the 20 years in which the Commission has been in existence there has not been one case of a slaver detained by a Spanish vessel of war, except the one can be so considered of the "*Maria de la Gloria,*" under Portuguese colours, in 1824, which was retaken from a privateer by the Spanish brig of war "*Marte.*" Yet during these 20 years there have probably sailed from the different ports of the island some hundreds of vessels engaged in that traffic, in open violation of the law and the Treaty. Nor should it be supposed that this has been owing to any want of means on the part of the Spanish Government; for the naval force on this station is quite sufficient to meet any such call for its services, and is fully equal to what the British Government has ordinarily on these coasts. Of this naval force we enclose an account, from which your Lordship will see that it consists of one frigate of 44 guns, five corvettes or brigs of from 14 to 22 guns, and nine small schooners or cutters of sufficient strength to cruize against slavers. These vessels are well officered and well paid and provided in every respect, and from their inactivity, therefore, we can draw no other conclusion than that the officers well know they are abstaining agreeably to the wishes of their superiors, even if not according to positive instructions. These observations we are induced to make the rather because we do find occasional instances of slave-vessels being taken by Brazilian and even by Portuguese cruizers and authorities, and their conduct supported by the Brazilian and Portuguese Governments, while here every instance we have of the interference of Spanish vessels of war, or of the local authorities, has been in conniving at the escape of slave-vessels, even if not in giving them direct assistance and protection. We need refer only to the gross cases of the "*Magico*" in 1824, and the "*Matilde*" in 1837, in corroboration of our remarks.

We cannot, therefore, too strongly express our conviction, that from the officers of the Spanish Government we can hope for no assistance whatever in suppressing the Slave Trade, and that England must determine on taking it into her own hands, unless she be content to have made a useless sacrifice in all her past exertions, and retire baffled from such an inglorious contest. This we cannot believe now that the efforts of the slave-dealers have been so signally paralysed. On the contrary, we trust that even this partial success may lead to others still greater, and that more rigorous measures be resorted to with regard to the persons taken in pursuit of slave-dealings. We would therefore humbly recommend; 1st. That strict orders be given that no persons found on board slave-vessels be allowed to be put on shore, as at present, at the first convenient spot, but that they be detained in custody, and sent to their respective Governments for punishment. 2nd. That the haunts of the slave-dealers on the coast of Africa be subjected to visitation, and the persons found there engaged in Slave Trade may be also taken, and handed over to their respective Governments, as having been found guilty of an infraction of their laws. 3rd. That in case the local Government of this island still persevere in its present course of assisting the dealers, by direct connivance, or palpably false pretences of inquiry, when cases of Slave Trading are brought before their notice, then that your Lordship repeat and enforce the proposition contained in your Lordship's Despatch of the 26th of October, 1838, in these terms:—"You will communicate these papers to the Spanish Government; you

will point out to them that there can be no hope that the importation of slaves into Cuba will be suppressed, until an entire change is effected in the course at present taken for the examination of Slave Trade transactions; and you will propose that, as experience has proved that no Spanish authorities will conduct investigations of this nature faithfully and truly, power shall be given to the Mixed Court of Commission established at the Havana to call before it parties suspected of being engaged in the Slave Trade, and to subject them to the same course of examination, which ought to be carried on by the administrative officers of the Colonial Government, but which is wholly evaded and omitted by those officers." (Parliamentary Papers, 1839, Class B., p. 85.)

We have, &c.

(Signed) J. KENNEDY.
CAMPBELL J. DALRYMPLE.

The Right Hon. Viscount Palmerston, G.C.B.,
&c. &c. &c.

First Enclosure in No. 137.

List of Vessels that sailed from the Port of Havana for the Coast of Africa during the Year 1839.

No.	Date.	Nation.	Class.	Name of Vessel.	Destination.	Remarks.
1	Jan. 23	American	Schooner	Rebecca	Gallinas	Captured.
2	,, 26	,,	Brig	Oriental	Lagos	Returned 24th October, and sailed 26th, for New Orleans.
3	,, 28	Portuguese	,,	Fortuna	,,	Returned July 19th. (See No. 40.)
4	Feb. 8	American	Schooner	William Bayard	Cape Verds.	
5	,, 19	Spanish	,,	Nostra Señora del Rosario.	,,	
6	,, 19	Portuguese	,,	Montana	San Pablo de Loanda	Returned October 5th.
7	,, 19	American	Brig	Morris Cooper	Lagos	,, as "Casualidad."
8	,, 21	,,	Schooner	Perry Spencer	Gallinas.	
9	March 6	,,	Brig	Wyoming	Pitavasa	Captured.
10	,, 6	,,	Schooner	Octavia	Costa de Oro	Returned September 2nd.
11	,, 12	Portuguese	,,	Josefina	San Tomé	,, June 14th.
12	,, 21	,,	,,	Constitucion	,,	Captured.
13	,, 21	American	,,	Joseph Wilding	Cape Verds	Ditto.
14	April 12	Portuguese	Brig	Matilde	Prince's Island	Ditto.
15	,, 22	,,	,,	Elisa	Rio Pongo	Returned October 11th.
16	May 7	,,	Schooner	Josefina	Loanda.	
17	,, 7	,,	,,	Victoria	Cape Mesurado.	
18	,, 7	,,	Ship	Amalia	Madagascar	Returned November 20th.
19	,, 16	Oriental	Brig	Primogenito	San Pablo de Loanda	
20	,, 16	Portuguese	Schooner	Liberal	Loanda	Captured.
21	,, 29	Hamburg	Brig	Margaret	Isla del Principe.	
22	June 5	Portuguese	Ship	Maria Segunda (*a*), Socorro.	Mozambique	Returned December 6th.
23	,, 5	,,	Brig	Ulises	Loanda	Captured as "Manso."
24	,, 5	,,	Schooner	Ligera	Goa	Captured.
25	,, 17	,,	Brig	Duquesa de Braganza (*a*), Venus.	Lagos	Returned.
26	,, 17	American	Schooner	Hound	Gallinas	Returned to Puerto Rico.
27	,, 17	,,	Brig	Mary	Gallinas and Bonny	,, November 12th.
28	,, 25	,,	Schooner	Catherine	Prince's Island	Captured & carried to United States.
29	,, 26	,,	,,	Elvira	San Tomé	Returned as Portuguese, "Porto Formoso."
30	July 1	Portuguese	,,	Dos Amigos	Isla del Principe	Captured.
31	,, 2	American	,,	Butterfly	Mozambique	Captured & carried to United States.
32	,, 5	Portuguese	Brig	Triunfo de Loanda	Lagos.	
33	,, 8	,,	,,	Felicidad	Cape Verds	Returned October 7th.
34	,, 20	Spanish	,,	Ensayador	,,	
35	,, 26	Portuguese	Schooner	Victoria	Rio Congo	Captured.
36	,, 27	,,	,,	Josefina	San Tomé	Ditto.
37	Aug. 1	American	Brig	Douglas	Bonny.	
38	,, 2	Spanish	Schooner	Yberia	San Tomé	No. 32 of list of 1840.
39	,, 5	Portuguese	,,	Magdalena	Gallinas	Captured.
40	,, 5	,,	Brig	Fortuna (*a*), Llobregat.	Lagos	Ditto.
41	,, 24	Spanish	Schooner	Numantina	Cape Verds	Returned.
42	Sept. 10	American	,,	Lark	Isla del Principe.	
43	,, 10	Portuguese	,,	Lavadeira	San Tomé	Captured.
44	,, 19	Spanish	,,	Mercedita	Cape Lopez	Ditto.
45	,, 21	American	,,	Hound	Cape Mesurado and Gallinas.	
46	,, 24	,,	,,	Cutter Campbell	Gallinas.	
47	Oct. 12	,,	,,	Nymph	Rio Braza.	
48	,, 23	,,	Ship	John	Gold Coast.	
49	,, 23	Spanish	Brig	Joven Emeline	,,	
50	Nov. 5	Portuguese	Schooner	Astrea	San Pablo de Loanda.	
51	,, 13	Spanish	Pailebot	Margarita	Gallinas.	
52	,, 14	American	Schooner	Asp	Rio Braza.	
53	,, 19	Portuguese	,,	Elvira	Cape Verds.	
54	Dec. 11	American	,,	Hannah	Isla del Principe.	
55	,, 15	Spanish	,,	Montaña	Cape Verds.	
56	,, 16	American	,,	Centipede	San Tomé.	
57	,, 22	Portuguese	Brig	Dos Hermanos	,,	
58	,, 23	American	Schooner	Hyperion	,,	
59	,, 25	Portuguese	,,	Veloz	Santiago de Praya.	

Second Enclosure in No. 137.

List of Vessels that have sailed from Havana for the Coast of Africa during the Year 1840.

No.	Date.	Nation.	Class.	Name of Vessel.	Destination.	Remarks.
1	Jan. 13	Portuguese	Schooner	Adelaide	Isla del Principe.	
2	,, 18	Spanish	,,	Concepcion	San Pablo de Loanda.	
3	,, 21	Portuguese	Brig	Diligente	Lagos.	
4	,, 25	,,	Schooner	Formosa	Gallinas.	
5	,, 31	,,	Pailebot.	Constitucião	Cape Verds.	
6	Feb. 22	American	Schooner	Hudson	Loanda.	
7	,, 15	Portuguese	,,	Olimpia	San Tomé.	
8	March 6	American	,,	Audubon	Gold Coast.	
9	,, 20	Spanish	,,	Numantina	San Pablo de Loanda	See No. 41.
10	,, 23	American	Brig	Theophilus Chase	Gallinas	Returned in ballast.
11	,, 24	Portuguese	Schooner	Josefina	Santiago de Praya.	
12	,, 26	,,	Brig	Importador	Goa.	
13	,, 27	Spanish	Schooner	Segunda Rosario	Cape Verds.	
14	,, 28	Portuguese	,,	Paz	Bonny.	
15	April 1, sailed in May.	,,	Ship	Gloria	Mozambique.	
16	,, 14	,,	Schooner	San Pablo de Loanda	Gallinas.	
17	,, 28	,,	Brig	Trovao	Lagos.	
18	,, 29	,,	Schooner	Bacua Union	Cape Verds.	
19	May 2	American	Brig	Plant	Lagos.	
20	,, 2	,,	Schooner	Lone	San Pablo de Loanda.	
21	,, 4 sailed 11	Portuguese	Ship	Maria Segunda	Mozambique.	
22	,, 6	Spanish	Brig	Marinero	Bonny.	
23	,, 11	Portuguese	Schooner	Pombinha	Gallinas.	
24	,, 11	American	,,	Seminole	Ditto.	
25	,, 12	,,	Brig	Alexander	Ditto.	
26	,, 27	,,	Schooner	Kite	San Pablo de Loanda.	
27	June 2	Spanish	Brig	Segunda Vigilante	Manilla.	
28	,, 6	Portuguese	,,	Escorpion	Gallinas.	
29	,, 6	,,	,,	Tres de Agosto	Lagos.	
30	,, 17	,,	Ship	Duquesa de Braganza (formerly the Venus).	Goa.	
31	,, 24	,,	Schooner	Astrea	San Pablo de Loanda.	
32	July 3	Spanish	Brig	Yberia	San Tomé	Run on shore by the Pickle, near Havana, & wrecked.
33	,, 14	Portuguese	Ship	Amalia, otherwise the Caballo Marin.	Madagascar.	
34	,, 21	,,	Schooner	Name unknown	Cape Verds.	
35	,, 29	,,	,,	Josefina	San Pablo de Loanda.	
36	Aug. 29	,,	,,	Name unknown	,,	
37	,, 29	,,	,,	,,	,,	
38	Sept. 15	,,	Brig	Felicidad	Lagos.	
39	,, 15	,,	,,	Name unknown	,,	
40	,, 15	,,	Schooner	,,	,,	
41	,, 25	Spanish	,,	Numantina	San Pablo de Loanda.	
42	Oct. 8	American	Brig	A. E.	Ditto.	
43	,, 8	Spanish	Schooner	Reglano	Cape Verds.	
44	,, 13	Portuguese	Brigantine	Escorpion	Monte Video.	
45	,, 17	,,	Schooner	Pax	Rio Brazo.	
46	,, 20	,,	,,	Salazar	Loanda.	
47	,, 22	,,	Brig	3 de Febreiro	Lagos.	
48	,, 22	French	,,	Alcyon	Goree.	
49	,, 24	Spanish	,,	Octavia	Loanda.	
50	Nov. 3	Portuguese	Brigantine	Josefina	Monte Video.	
51	Dec. 11	,,	Schooner	Porto	Cape Verds.	
52	,, 19	Spanish	Brigantine	San Pedro	San Pablo de Loanda.	
53	,, 24	,,	Schooner	Matanzera	Cape Verds.	
54	,, 31	,,	Brigantine	Segunda Vigilante	Ditto.	

Portuguese	32
Spanish	12
American	9
French	1
	54

Third Enclosure in No. 137.

List of Vessels that have arrived at Havana from the Coast of Africa during the Year 1840.

No.	Date.	Nation.	Class.	Vessel.	Master.	Remarks.
1	Jan. 13	Spanish	Brig	Augusto	— Veiga	Brought no negroes, having been chartered to bring from Sierra Leone the crews of captured vessels.
2	,, 22	Portuguese	,,	Duquesa de Braganza (*a*), Venus.	A. Moreno.	
3	,, 24	Spanish	Schooner	Numantina	— Perez.	
4	,, 30	,,	,,	Rosario	— Peyrano	Brought no negroes, having been chartered to bring from Sierra Leone the crews of captured vessels.
5	Feb. 7	Portuguese	,,	Name unknown	..	Landed 320 negroes.
6	,, 26	Spanish	Brig	Iberia	— Rodriguez	Believed to have landed a cargo of negroes at Puerto Rico.
7	March 6	Portuguese	,,	Formerly the Jacinto	..	Landed 480 negroes at Mariel.
8	,, 8	,,	Schooner	Pombinha	— Spencer	Landed a cargo of negroes at Matanzas.
9	,, 17	,,	,,	Name unknown		
10	,, 18	,,	,,	,,		
11	,, 25	,,	Brig	Tres de Febreiro, formerly La Union.	..	Landed 454 negroes from the Gold Coast.
12	April 8	,,	Schooner	Name unknown	..	Landed 300 negroes at Canasi.
13	,, 17	,,	Brig	,,	..	Landed 417 negroes at the Isle of Pines.
14	,, 26	,,	Schooner	,,	..	Landed 224 negroes.
15	May 14	,,	Brigantine	,,	..	Landed 450 negroes at Canasi.
16	,, 24	,,	Brig	Aguila	..	Landed 620 negroes at the Chorrera.
17	June 2	Spanish	Schooner	Constancia	— Penasco	Reported to have landed slaves at Porto Rico.
18	,, 10	,,	,,	Feliza	— Sanchez	Ditto.
19	,, 12	American	Brig	Caballero	— Huffington	From Corisco, in ballast.
20	,, 13	,,	,,	Hudson	— Clift	From Cabinda, in ballast.
21	,, 17	Portuguese	Schooner	Name unknown.		
22	,, 24	American	Ship	Crawford	— Brown	From Gallinas, in ballast.
23	July 22	Portuguese	Brig	Trueno	..	Landed 450 negroes at the Chorrera.
24	Aug. 13	American	,,	Theophilus Chase	— Coffin	From Gallinas, in ballast.
25	,, 23	Portuguese	..	San Francisco	..	Both these vessels belonged to Forçade. One is said to have landed 340, and the other 180 negroes.
26	,, 23	,,	..	Name unknown	..	
27	Sept.	,,	Schooner.	,,		
28	,, 22	American	Brig	Dido	— Stran	Returned in ballast.
29	,, 24	Portuguese	,,	Union	..	Landed about 500 negroes.
30	,, 25	,,	Schooner	Name unknown.		
31	,, 26	,,	Brig	Velador.		
32	Nov. 2	,,	,,	Name unknown	..	Landed 427 negroes.
33	,, 6	,,	Schooner.	,,		
34	,, 15	,,	Brig	Vigilante	..	Landed 560 negroes.
35	,, 15	Spanish	,,	Aguila	..	Returned empty, her port of destination in Africa being blockaded.
36	,, 15	Portuguese	Schooner	Name unknown	..	Landed about 240 negroes.
37	,, 23	,,	,,	,,	..	Landed upwards of 230 negroes at Mariel.
38	,, 23	,,	Pailebot	..	..	Landed 286 negroes, consigned to Forçade.
39	,, 30	,,	Brig	Gabriel	..	Landed upwards of 400 negroes.
40	Dec.	,,	Schooner.			
41	,, 24	,,	Brig	Jacinto	..	Landed 377 negroes.

Fourth Enclosure in No. 137.

Extract from the "Diario de la Havana."

(Translation.) *Porto Principe, 15th December.*

At Nuevitas has just arrived the expedition of Catalonian husbandmen to Messrs. Estorch and Co.; a speculation, we hesitate not to pronounce, the most honourable, useful, and beneficent that has been undertaken in this island of late: more than 90 young men of the principality of Catalonia have brought their industry to the centre of Cuba; and although we Camaqueyanos (inhabitants of the province of Camaquey) cannot boast of being the first to set this example of Christian civilization and high political prescience, we may boast that it is among us that the theories of colonization are about to be put in practice upon the best basis. Honour to Messrs. Estorch and Co., Directors of the Calasancio College in this city, for the first agricultural essay of white labourers! And while we are doing justice to those who merit it, honour is also due to the parent, who, at his own cost, and for the education of his children, brought to Principe the said Directors of the Calasancio College! The next generation will pronounce blessings on their names.

We are desirous of giving the public an idea of the general and most interesting basis of this contract, with which we shall in part satisfy the writer F. M. In his own language, we might ask, what do those Catalonians come in search of who devote themselves to commerce? for we cannot discover any reason why they should prosper, and prosper also the country; and not so those who come to devote themselves to agriculture. On the contrary, we believe the latter bring with them better elements than the others. Young people intended for commerce generally arrive without

capital or mercantile knowledge; they obtain an engagement; are some time without salary: notwithstanding which in a few years they become men of capital, information, and respectability; are introduced into our society, united to our families—in which they are cordially received as laborious, honourable, and among the best people in Europe.

The most estimable element introduced by the Catalonian husbandmen is morality. There is not even one among them whose conduct is not vouched for by certificates from the parish priests and authorities of the Peninsula (Art. 16 of the Contract). There are no low characters nor adventurers, but all youths taken from a life of virtue and country labour, in which the most estimable qualities are reared. These young men have been selected by a respectable individual, who went himself to fetch them; as if the soul of the pious Las Casas had re-animated the Christian of the nineteenth century to repair the errors of a mistaken philanthropy of the fifteenth. The material element is equally good. The whole are young men of from 18 to 30 years, accustomed to field labour, robust and single. We are also informed that, besides these, there have come some masons and sugar-refiners of great merit, who will be of considerable service in the country.

With these elements we may well congratulate ourselves; and affirm, without fear of contradiction, that the contract of Messrs. Estorch and Co. may serve as a model, and that the project is of the greatest utility for the country, for the speculators, and colonists.

The colonists intended for the sugar estate of Estorch and Co. amount to about 60; more than 90 have arrived, of whom the surplus were to be employed on the railroad. But it seems they all prefer husbandry, in which respect their wishes will be fully complied with.

The directors of the sugar estate purpose dividing their labourers into gangs of 10 men, each gang to have 4 caballerias of land—1 cleared for tillage, and 3 of forest: to each gang will be given 2 milch cows, 4 yoke of oxen, 6 breeding sows, 50 fowls, and all necessary tools for labour.

The labourers will be fed as follows:—For breakfast, 4 ounces of meat each, with greens and vegetables; for dinner, 6 ounces of meat, good soup, greens and vegetables in abundance; for supper, coffee, and some trifle, such as roasted plantains, &c.

The Company will furnish each colonist every year with 4 suits of clothes, 4 pairs of shoes, 2 straw hats, and a cot and bedding.

The labourers will work from daydawn till nightfall, allowing them half an hour for breakfast, and an hour for dinner and repose. In the grinding-season they will sleep 6 hours; and in the heat of summer three hours of the day may be exchanged for three of the night.

They will receive in remuneration for their labour—besides food, clothing, medical attendance, &c.—the third part of the produce of the estate, after deducting the general expenses, guaranteeing to each individual a minimum of 100 dollars. The Company will retain one-half thereof, paying for it the legal interest until the completion of the contract, which is for 6 years, at the end of which they can go wheresoever they please.

The Company will, moreover, award to the gang which shall work best a premium of 500 dollars. To whoever shall wish to remain on the estate after the 6 years a gratuity of 50 dollars will be given. To whoever may wish to establish himself on his own account will be made good the proportion pertaining to him of the profits of the estate. These are the principal articles of the contract: we omit the rest, because we do not consider them necessary to our purpose, nor for the knowledge of the public.

We should like Mr. F. M. to make objections to the project or to the contract, or to suggest others more useful, or more eminently political or Christian. We have taken up the pen in order to direct all the attention of the public and of the Government (under whose protection and knowledge this expedition has come from Catalonia) to the undertaking of Messrs. Estorch and Co.; because we consider it the most useful of the kind ever projected in the island since the first rose embellished our fields.

It is strange, indeed, that our friend F. M. should want to know the amount of the produce of the sugar estate of Estorch and Co. before the employment of the hands which are to yield it. This is something like the pretension of those who want to know what will be the profits of the railroad before having one. It would be much the same as to calculate how many children would result from the marriage of two young persons in health and vigour. Even so, with a fertile soil like Cuba, and industrious and intelligent hands to work it, just consider whether it will yield or not. Friend F. M. ought to have reflected that the Catalonian labourers were introduced to make this estate productive, and not to share what it actually produces. What might be reasonably exacted would be a calculation founded on ordinary probabilities or established bases, viz.: that the soil of this estate being of that kind which yields 4000 dollars per caballeria of cane well cultivated; that, taking the wages at 100 dollars a-year, the maintenance at 1½ rials per day, and supposing ten men to be sufficient to cultivate a caballeria of land (and I conceive it may be done with fewer free persons), we shall find the maximum cost of each labourer to be 200 dollars, and the ten to be 2000; which will leave the proprietors of the capital as much more for each caballeria in produce, which is no trifle.

We can easily foresee that undertakings of this description will have many obstacles to encounter; but if endeavours are not made to overcome these obstacles, there is an end of the matter: a beginning must be made; and one trial will not suffice, nor two, nor perhaps ten. Difficulties are increased if Messrs. Estorch and Co. do not meet with co-operation on the part of the public and those who ought to feel an interest in its favourable result, and, on the contrary, are only met by persons who discourage and censure them, corrupt their labourers, recall prejudices of the last three centuries, and, what is still worse, introduce radical bad habits, and the worst of individual interests, which only look to the present, without a thought for one hour beyond.

Infinite Wisdom has assigned limits for everything, itself alone being unlimited: the avarice of mankind must also have bounds. The old Spanish proverb of "Avarice rends the sack," is nothing more than a moral truth which must inevitably be realized like all others. Men cannot with impunity break through the eternal and immutable laws which govern the world both physical and moral. We must either submit to these laws, or succumb to the penalties attached to their violation. The limits assigned by nature to physical force cannot be surpassed; by attempting to surpass it you annihilate and destroy it, to your own prejudice. The labour of the free man in the island of Cuba will yield him, besides, a maintenance, sufficient to create a family, and to lay up a capital of consideration. Labour, and teach your children to labour; live frugally in the bosom of a well-conducted and economical family, and you will become rich, very rich: for labour

and virtue are under the protection of the Almighty, who blessed them. Nothing, nobody can ruin us but vice, and whatsoever is vicious: injustice and immorality are the only enemies of the unjust and immoral; they lead themselves on to ruin. In vain would they avoid the penalty; in vain apply palliatives to their evils; in vain would they try expedient on expedient. 'Tis like trying to prop up a falling wall: the only remedy is to raise it again, and not to trust to the props. Enough of parables for the present.

Fifth Enclosure in No. 137.

Naval Force of Cuba.

HAVANA STATION.

Frigate Isabel Segunda	44 guns.	
Corvette Liberal	22 ,,	
Brig Jason	22 ,,	
,, Cubano	16 ,,	
,, Laborde	14 ,,	
,, Marte	14 ,,	
Schooner Infanta	3 ,,	
	—	135
Receiving-ship Teresa		

STATION OF SANTIAGO DE CUBA.

Schooner Cristina	3 guns.	
,, Criolla	3 ,,	
,, Isabel Segunda	3 ,,	
Cutter Teresita	1	
	—	10

STATION OF TRINIDAD DE CUBA.

Schooner Ligera	2 guns.	
,, Clarita	1 ,,	
,, Habanera	1 ,,	
Cutter Donacion	1 ,,	
	—	5
Total in guns		150

No. 138.

Her Majesty's Commissioners to Viscount Palmerston.

Havana, January 20, 1841.

MY LORD, (*Received March* 19.)

WE have the honour to report to your Lordship, that on the 29th of December last Her Majesty's sloop "Ringdove," Commander the Honourable Keith Stewart, detained, in latitude 17° 56′ north, longitude 64° 55′ west, the Spanish slave schooner "*Jesus Maria*," otherwise the "*Three Sisters*," having on board 252 negroes. This vessel was brought into this port late on Saturday evening, the 9th instant; and from the papers Her Majesty's Commissary Judge finding that it was of only 25 Spanish tons measurement, or about 35 British, and that the negroes (with the exception of four, all children) were exceedingly crowded and diseased, so as to render immediate removal absolutely necessary, came to the conclusion that they should be at once placed on board the "Romney." For this purpose, with the concurrence of his colleague, he waited personally the following morning early on the Captain-General of the island, and on the Spanish Judge, the Conde de Fernandina, in order that no formalities might be interposed in effecting this object. Having obtained their assent, which was given with a readiness which calls for our due acknowledgments, the negroes were the same afternoon (Sunday), without any loss of time, all put on board the "Romney," excepting one girl, who was already suffering from an attack of small pox. Twelve of those found on board had previously died, and several others were in a state to leave no hope of recovery, from the unusually miserable confinement and fare allotted them.

The vessel was sent under the charge of Lieutenant Tarleton, who in bringing it had a very arduous duty to perform; and he being desirous of returning to the "Ringdove" by Her Majesty's ship "Comus," then proceeding hence

to Jamaica, rather than wait here inactively any time, the Conde de Fernandina appointed Tuesday the 12th instant for the adjudication.

On that day, accordingly, and on the following, the Court met, and the papers proving the vessel to be Spanish property, and sailing under Spanish colours, a sentence was agreed to, and signed on the 13th, declaring the detention lawful, and ordering the vessel to be broken up, and the negroes to be liberated and delivered over according to the Treaty.

The same day, the 13th, Her Majesty's Commissary Judge duly informed the Superintendent of Liberated Africans of this circumstance, who accordingly took charge of them in the fulfilment of his duties.

The history of this vessel affords a strong illustration of the desperate condition to which the Slave Trade has been reduced. The "*Jesus Maria*" was in fact a small coaster, sailing from the Canary Islands to the different settlements on the coast of Africa, with, principally, potatoes and onions. She was totally unprovided with any sort of accommodation for a slave cargo, but the captain, Vicente Morales, who was also the owner, having found there a number of Africans on the coast ready to be shipped, and no vessel to carry them away, changed the purpose of his voyage, and took them on board. He first proposed to take them to Trinidad de Cuba, but finding his provisions and water fail him, he was making for Ponce, in the Island of Porto Rico, when detained by the "Ringdove." On the "*Jesus Maria*" entering the harbour this Vicente Morales jumped overboard and swam to shore, Lieutenant Tarleton having no means of preventing his escape, as he had no boat on board. Indeed the vessel was so badly provided as to have neither anchor, nor spare ropes nor sails, and was so old and leaky that had they met with but slightly bad weather they must have foundered; and yet they took on board 278 unfortunate victims of the trade, besides having 9 persons calling themselves passengers, and 10 others, the crew. Of the escape of Vicente Morales Her Majesty's Judge, who went accompanied by Mr. Jackson, informed the Captain-General at the interview on Sunday the 10th, for the purpose of insuring his recapture. But whatever orders actually were given it was impossible to hope for success after the man had succeeded in obtaining a footing among the boatmen and shipping, even if the subordinate authorities here had been imbued with as much inclination to seek out and punish such an offender as they are unfortunately the reverse. It is the more a subject of regret, as, from complaints made by the negroes, it appears his conduct had been characterised by all that grossness and cruelty, we fear, always to be expected under such circumstances. The witnesses before the Court pretended to know nothing of such conduct, and one even boldly asserted the reverse, but their testimony in such a case was not to be relied on; and it would have been very desirable to obtain a case for punishment, if possible, as a warning to others.

For further particulars we beg to refer to the Enclosures, consisting of the captor's declaration, the abstract of the evidence, and the sentence of the Court. We enclose also a private letter from Captain Stewart, showing the necessity of the step, which we trust will be considered warranted, in having the negroes put at once on board the "Romney," where there was sufficient space, as well as numerous wards for the several cases requiring particular care. The woman attacked with small pox was the only one left on board the schooner, where with proper care she remained till convalescent.

We have, &c.

(Signed) J. KENNEDY.
CAMPBELL J. DALRYMPLE.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

First Enclosure in No. 138.

Captor's Declaration in the case of the "Jesus Maria."

I, KEITH STEWART, commander of Her Britannic Majesty's sloop, "Ringdove," hereby declare that on this 29th day of December, 1840, being in or about latitude 17° 56′ N., longitude 64° 55′ W., the north-west end of Santa Cruz bearing S. ½ W. 12 miles, I detained the ship or vessel named the "*Jesus Maria*," sailing under Spanish colours, armed with 2 muskets and 4 swords, commanded by Don Vicente Morales, who declared her to be bound from the river Sebro, on the coast of Africa, to Ponce, Porto Rico, with a crew consisting of 10 men, and 9 passengers, whose names,

as declared by them respectively, are in a list at foot hereof, and having on board 252 slaves, said to have been taken on board at the river Sebro, on the coast of Africa, on the 8th day of October, 1840, and are enumerated as follows :—

	Healthy.	Sickly.
Women	4	0
Boys	140	8
Girls	86	14

(Here follow the names of the passengers.)

I do further declare that the said ship or vessel appears to be seaworthy, and is now supplied with a sufficient stock of water and provisions for the support of the said negroes and part crew on their destined voyage to the Havana.

I do further declare that the following stores are left on board the said ship or vessel :—

1 set of bending sails,
1 spare sail to repair others,
40 water-casks, large and small,
40 fathoms 2½-inch rope ;

and that the vessel is fit to pursue her destined voyage.

Given under my hand, on board Her Britannic Majesty's sloop " Ringdove," at sea, this 29th day of December, 1840.

(Signed) KEITH STEWART, Commander.

Witnesses—J. W. Tarleton, Lieutenant.
John Shepherd, Master.
J. Watson, Surgeon.

Second Enclosure in No. 138.

Abstract of the Evidence in the case of the " Jesus Maria."

Lieutenant John Walter Tarleton, of Her Britannic Majesty's sloop " Ringdove," and prize-master of the Spanish brigantine " *Jesus Maria*," being duly sworn, deposed to the truth of the captor's declaration, and to the signature at foot thereof, as well as to the other signatures of the witnesses, namely, the deponent's own, and those of Mr. John Shepherd and Mr. J. Watson. That he, deponent, and the other witnesses were all present when the captain signed his declaration, they being the mate of the said capturing vessel and the surgeon. That the " Ringdove" has not come to this port. That in one particular the captor's declaration is incorrect, viz., where it states that the negroes were taken on board on the coast of Africa, on the 8th of October last, as it appears by the papers of the captured vessel that they were embarked on the 6th of November. That the commander of the " Ringdove" is furnished with the papers authorizing him to detain slave-vessels. That at the time of capture there were 252 negroes of both sexes on board, of whom 12 have since died. That there were 12 papers found on board the " *Jesus Maria*," 3 of which being useless, the other 9 were ordered to be filed with the proceedings, and are as follows :—A certificate of the notary of the marine department, in the province of the Canaries, Don José Oliver y Fernandez, given in the city of Santa Cruz de Teneriffe, on the 4th of June of last year, relative to the security given on the same day by Don Lorenzo Ruiz, master of the said brigantine schooner " *Jesus Maria*," alias " *Tres Hermanas*," that the register and other documents for navigating the vessel should be made a proper use of; the sailing passport, the bill of health, 3 bills of lading, the contraseña, the log-book, and another paper without a signature, for noting the deaths among the cargo, according to their dates. That finding the provisions very bad he was under the necessity of purchasing those contained in the account he now hands into court, and which the judges directed to be filed.

James Bligh, boatswain of Her Britannic Majesty's sloop " Ringdove," being sworn, deposed, that he came to this port in the Spanish brigantine-schooner " *Jesus Maria*," captured by Her Britannic Majesty's sloop " Ringdove," with a cargo of slaves on board, and that on entering the harbour he saw the Spanish captain overboard, without being able to prevent it, owing to the suddenness with which he did it, and that he does not know what became of him, or what induced the act.

José Faisma, 25 years of age, a native of the Canary Islands, a married man, and boatswain of the brigantine-schooner " *Jesus Maria*," being sworn, deposed that the aforesaid vessel was sent to this port by an English brig of war, whose name he does not know, on account of finding Bozal negroes on board. That he cannot remember the day on which she was captured, nor in what latitude, nor what number of slaves were on board, as it was none of his business to attend to these matters. That they were taken on board on the coast of Africa, at a place called Sebro, and he recollects that some of them died on the passage, before the capture, and some afterwards, but not how many. That he embarked at the port of La Gran Canaria, but, as he believes, not for the coast of Africa, but for Sierra Leone, to dispose of potatoes and onions, of which the cargo was composed. That on sailing from the Canary Island, the then captain, Don Lorenzo Ruiz, was provided with papers for lawful commerce, as explained by deponent; but the said captain dying on their return from Sierra Leone, and there being no other navigator on board but the owner of the vessel and cargo, Don Vicente Morales, he assumed the command, and carried into effect the plan which was objected to by Ruiz, of engaging in the Slave Trade, deponent being unable to leave the vessel, in which he was therefore compelled to remain, in order to get back to his country. That on entering this port the captain, Vicente Morales, made his escape by jumping overboard. That he saw Morales deliver up to the English commander the papers belonging to the vessel, but knows not what papers they consisted of, nor can he recollect if the papers now shown him are the same, as he took no notice of them at the time, nor did he notice whether the English officer gave a receipt for them. That there remains nothing on board of the outward-bound cargo, nor of what they took on board at Sebro, or at other places where they touched, nor any arms, excepting a gun used by the captain to shoot with.

José Luz, 18 years of age, a native of Lanzarote, in the Canary Islands, a bachelor, and by profession a mariner, being next sworn, deposed that the brigantine schooner " *Jesus Maria*," to which

he belonged, was detained and sent to this port by an English brig of war, whose name he does not know, nor does he recollect on what day, between Santa Cruz and St. Thomas's, for having found Bozal negroes on board. That he does not recollect the number of negroes on board at the time of capture, nor how many were taken board at the river Sebro or Guibara, but he understands from others that several died both before and after the capture. That he entered on board in the port of the island of La Gran Canaria, on what day he does not remember; that he was engaged as seaman by the first captain, Don Lorenzo Ruiz, who afterwards died. That the cargo consisted of potatoes and onions, and was destined, as he understood, for Sierra Leone. That, in fact, they arrived at the said place, and landed their cargo. That some days after the captain died, and that Don Vicente Morales, who took his place, being owner of the vessel and cargo, determined to obtain negroes from the place before-mentioned, without any other authority than what he derived from the said ownership. That no part of the cargo taken at the Canaries or the other places at which they touched remains on board.

Don Manuel Porches, aged 65, a native of Lima, a bachelor, and by profession cook, being sworn, deposed, that the brigantine schooner "*Jesus Maria*" was detained and sent to this port by an English brig of war, whose name he knows not, nor recollects on what day, nor in what latitude, though he heard it was near Santa Cruz, on account of there being found on board a number of African blacks. That he absolutely knows nothing of the number of negroes on board at the time of capture, nor how many were at first received on board. That he entered on board the brigantine schooner in the river Sebro, as passenger, having been taken prisoner and left there, but that afterwards, there being no cook, the one on board being incapacitated by several attacks of illness, he undertook his place with the consent of the captain, whom he had not known until then, knowing only that he was called Don Vicente, but not his surname; that, as well as he can recollect, they left Sebro in November last, understanding they were to go to some port of the Antilles with the negroes they had on board. That the negroes were well treated and sufficiently fed, and that the vessel had nothing on board but what was necessary for their common sustenance.

Third Enclosure in No. 138.

(Translation.) *Sentence in the case of the* "Jesus Maria."

In the always most faithful city of Havana, on the 3rd day of January, 1841, his Excellency Don José Maria de Herrera y Herrera, Conde de Fernandina, Honorary Grandee of Spain of the first class, &c., &c., and James Kennedy, Esq., the Spanish and British Judges in the Mixed Court, having examined the proceedings consequent upon the detention made by the English brig of war "Ringdove," Commander the Hon. Keith Stewart, of the Spanish merchant brigantine schooner "*Jesus Maria*," alias "*Las Tres Hermanas*," Don Vicente Morales master, in latitude 17° 56′ N., longitude 64° 55′ W., the north-west end of Santa Cruz, bearing S. ½ W., 12 miles, with a cargo of 252 slaves on board at the time of detention, she having sailed in November of last year from the Great Canary Island, under the command of the then captain, Don Lorenzo Ruiz, who, however, ceased to hold command, his object being to engage in the lawful traffic of potatoes and onions, to which Morales was opposed, and on leaving Sierra Leone he died, the before-mentioned Morales assuming the command, but escaping in this port on the captured schooner entering it, and who, as soon as he found himself invested with the post of captain and supercargo, obliged the crew to make for the river Sebro, on the coast of Africa, where he took on board the above-mentioned slaves, with whom he steered for the Island of Puerto Rico. And the above being fully proved by the declaration of the witnesses examined, by the Spanish papers found on board at the time of capture, as also by the declaration of the commander of the capturing vessel, the Judges agreed that they ought to declare, and hereby do declare, with all due regard to the merits of the case, and according to the usual summary mode of proceeding in all such cases on the truth being made manifest, the said Spanish merchant schooner "*Jesus Maria*" to be a good and lawful prize, as well as everything found on board, including the 252 Bozal negroes, the vessel being subject to confiscation, together with her tackle, apparel, and whatever else be found in her inventory, excepting the before-mentioned negroes, or such as remain alive, who are hereby declared to be free from all slavery and captivity. It is, therefore, ordered that the condemned vessel and all that belongs to her be valued by the principal masters of the Royal Arsenal, who shall be sworn to perform the duty faithfully; that she be then broken to pieces, and the fragments sold at public auction before the notary public Don Manuel Fornari; in the mean time that she be deposited with Don Juan Snitas, who shall receive her from the captor, according to formal inventory, in order that being announced to the public as for breaking up, the most reasonable offer be admitted, and that the proceeds be applied to the benefit of the two governments. The secretary will proceed to deliver to the above-mentioned slaves the certificates of their emancipation, according to custom, and will prepare an official letter with a certified copy of this sentence for his Excellency the Prince of Anglona, President, Governor, and Captain-General, for his Excellency's information, and because the detained individuals of the crew of the said brigantine schooner "*Jesus Maria*" remain at his Excellency's disposal. And by this their sentence definitively judging, thus the Judges provided, ordered, and signed, in the presence of their secretary who certifies.

(Signed) EL CONDE DE FERNANDINA.
J. KENNEDY.

(Signed) JOZE ANTONIO VALDES, *Secretary.*

Fourth Enclosure in No. 138.

Commander Stewart to Mr. Kennedy.

H. M. S. "Ringdove," at Sea off east end of St. Domingo, January 1, 1841.

Dear Sir,

The prize I have the satisfaction to send in being a very small vessel, the negroes are dreadfully crowded; several of them are in a very emaciated condition, and it is of infinite importance they

should be removed out of the vessel without a moment's loss of time. If they are detained on board to await her condemnation, more wretched victims will be added to the list of those already dead. When I fell in with her she was short of water, which I believe is one of the causes of so many deaths. I therefore took her to an anchorage off the west end of Santa Cruz, supplied her with water, provisions, and a few things for the sick children. The negroes, with the exception of four women, are all children, their average from 10 to 15. The vessel being a slow sailer, I have towed her as far as Cape François, from whence she is certain to carry a fair wind and smooth water to Havana. I regret my orders will not permit me to take her there myself. She is the most miserable craft I ever saw in the shape of a slaver, is not above 35 tons, has no boat, anchor, cable, spare sails, stores, not even a few planks for the negroes to lay upon. I have sent her in charge of Lieutenant Tarleton, whom you will find an intelligent officer. The first week in February I am to meet the Admiral at Barbadoes, when I think and hope he may send me to Havana for the prize crew, till when believe me, &c.

James Kennedy, Esq. (Signed) KEITH STEWART.
&c. &c. &c.

(Extract.) No. 139.

Her Majesty's Commissioners to Viscount Palmerston.

Havana, January, 22, 1841.
(*Received March* 19.)

An African emancipado named Gabino, it appears, was brought here previous to the year 1828, as his certificate of baptism is dated in January of that year, and states him to have been one of a number found on board a vessel detained by His Britannic Majesty's cruiser "Speedwell." Since that time it is said he has been continued by the local government at renewed lettings out, if we may use the expression, in the service of the same family. Still he is in reality in a state of slavery, condemned to labour as a water-carrier for others, and carrying his wages of one dollar, as it is said, per day, to his master.

No. 140.

Her Majesty's Commissioners to Viscount Palmerston.

Havana, January 22, 1841.
My Lord, (*Received March* 19.)

During the last month the following vessels were despatched hence, suspected of being intended for Slave Trade, viz. :—

11th	Dec.	Portuguese schooner "*Porto*,"	for Cape Verds.
19th	„	Spanish brigantine "*San Pedro*,"	for San Paolo de Loanda.
24th	„	„ schooner "*Matanzera*,"	for Cape Verds.
31st	„	„ brigantine "*Segundo Vigilante*,"	Do.

During the month we know that two vessels arrived here under the Portuguese flag, but have learned particulars of one only, the "*Jacinto*," which about the 24th landed on the coast a cargo of 377 negroes. This vessel has been long in the trade, and may be found frequently mentioned in the Commissioners' lists, reported from this place.

From the first return it would appear that the Spanish flag is again to be employed in the illicit traffic, though it is probable the vessels may be also supplied with other papers for the voyage home. The desperate condition to which the trade has been reduced will appear manifest from the inferior vessels now employed in it, as in the case of the "*Jesus Maria*," which is the subject of our preceding Despatch, and also of another vessel of a similar character, detained by Her Majesty's ship "Cleopatra," about the same time, and sent to Jamaica. In this vessel, whose name we could not learn, we understand there was a lamentable mortality, in consequence of its condition, and no fewer than 150 cases of smallpox.

We have, &c.
(Signed) J. KENNEDY.
CAMPBELL J. DALRYMPLE.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

No. 141.

Her Majesty's Commissioners to Viscount Palmerston.

Havana, February 12, 1841.

My Lord, (*Received March* 19.)

In our Despatch of the 7th of November, 1840, we had the honour to report the details of a correspondence we had had with the Captain-General, respecting an outrage committed by a Spanish countryman on the person of one of the black soldiers serving on board Her Majesty's ship "Romney." We added also our grounds of complaint against the Juez Pedaneo, or Police-Captain of the District, who, we considered, had been acting unjustly, in making the wounded and unoffending man a prisoner, and allowing the person who had inflicted the wound to go at large. We considered that the conduct of this functionary all throughout was such as to induce a reasonable suspicion that he was a party concerned in attempting to get up a charge of misconduct against the soldiers.

On these grounds we had asked for an inquiry from the Captain-General, and received from him an answer founded entirely upon the *ex parte* statements of this same Juez Pedaneo, putting aside altogether the question at issue of a gross and wanton outrage on one of the soldiers, and alleging that the soldiers generally had been wandering out of their limits and committing various excesses, which were undefined. With this statement the Captain-General seemed so satisfied, that he concluded by stating that he should report the matter home to his Government, which was to be understood as a determination on his part to take no further steps here respecting it.

As, however, his legal adviser, in making his report, had used some expressions which we considered unbecoming, especially one, recommending his Excellency to send to Spain an account of the matter, "to meet the exaggerated demands (*reclamaciones*) which were to be expected would be made," we thought it right to return an answer at large, containing the substance of the Despatch which we proposed to send to your Lordship. This we did accordingly, assuring his Excellency that as he might judge from it that no exaggerated representations would be forwarded to your Lordship, so no exaggerated demands in consequence of them could be made on the Spanish Government. At the same time we pointed out the impropriety of the course pursued in the pretended investigation, in leaving it to the report of the Juez Pedaneo, who, we considered, was deeply implicated in the whole transaction.

Here, then, we thought the matter was closed, and so far, therefore, our Despatch above referred to of the 7th of November, 1840, detailed. On the 12th of November, however, we received another letter from the Captain-General, containing another report from his legal adviser in answer to our remarks, but recommending finally that another investigation should be instituted. This recommendation was couched in terms which convinced us that we had no good result to expect from a further investigation, though as we had no right to reject what might be a just inclination, we unhesitatingly accepted it upon their own terms. In our answer of the 17th of November, accordingly, we returned our thanks to his Excellency, who had named for the inquiry Don Manuel Perez Alderete, the Adjutant of the Plaza, and suggested our ideas of the mode in which the inquiry should be conducted. These suggestions, however, were not adopted, and how it was otherwise carried on we had no opportunity of judging. The British witnesses we know were examined, according to a list we had sent in, but what other witnesses, or what evidence was taken, we had no knowledge of, the officers refusing to allow any one on our behalf to be present. Under these circumstances we had no other alternative than to protest as we did against being bound by any inquiry over which we had no sort of control, at the same time repeating our opinion of the unbecoming tone in which his Excellency's advisers are pleased to express their feelings respecting us. We trust that neither in so doing, nor in any other part of our demeanour towards the local government, have we ever overstepped what was due to a right consideration of their authority or of our duties.

How far or how long the investigation was proceeding we had no means of knowing, nor have we had any copy of evidence, or of judgment or report given us. But on the 9th instant another letter was sent us from the Captain-General, dated the 5th instant, stating in extremely short terms respecting it that there were not means available to alter the conclusion previously come to (no hay terminos habiles para variar lo que en ella se determinó).

Under these circumstances we wrote in our reply of the 10th instant, that we regretted to learn such to be his Excellency's conclusion, and that we would take the first opportunity of making it known to Her Majesty's Government.

We have, &c.

(Signed) J. KENNEDY.
CAMPBELL J. DALRYMPLE.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

First Enclosure in No. 141.

(Translation.) *The Captain-General to Her Majesty's Commissioners.*

GENTLEMEN, *Havana, November* 12, 1840.

I TRANSMIT herewith a copy of the representation made by the principal Fiscal of the Court of this Captaincy-General, of the advice of the Auditor of War, and of my decree of conformity, consequent upon your official letter of the 2nd instant, for the purposes expressed therein, as well as in reply thereto.

God preserve you many years,

(Signed) EL PRINCIPE DE ANGLONA,
Marques de Javalquinto.

Enclosure in the above.

Judicial Representation.

MOST EXCELLENT SIR,—The Fiscal states that if the preceding representation of Her Britannic Majesty's Commissioners of the Mixed Court of Justice had no other ostensible object than to communicate to your Excellency their ideas relative to the affair in question, for the information of our supreme government, as therein expressed, and for the ends of truth, it would have been limited to the rectification of some facts which are related with manifest incorrectness; but as it comprises other particulars of the greatest importance, which cannot be overlooked, he is about to submit to your Excellency's prudent discernment observations suggested by his earnest desire for investigation. The Commissioners contemn a legitimate act of your Excellency, namely, your having ordered the Petty Judge of Casa Blanca to draw up a judicial report of the occurrence which occasioned such a proceeding, for the purpose of deducing that the said officer being guilty of the offences of which they chiefly complain, they could not be surprised at the summary being full of misrepresentations, or that the reports founded thereon should be different from what they had expected; and it is necessary they should be informed that such decree was in accordance with justice, the said act being, according to the police regulations, peculiar to its agents, as of the first instance, even in places where ordinary judges reside, to whom the cases are submitted for their ultimate full cognisance; the more so as the subject under consideration was not a grave one which might require more extensive knowledge and powers, and your Excellency having taken the precaution to assign a brief space for it, together with the extension of such assistance as might be considered necessary for the purpose. The establishment of these officers in the districts would be useless and without an object, if their necessary contact with criminals in the act of their apprehension were sufficient to incapacitate them so as to prevent the efficacy of their own measures, by means of a summary examination of witnesses, which has subsequently to be ratified, and which only they can effectually make, owing to the knowledge they acquire of the persons and concurrent circumstances of the case; and because, by other means, the result of the investigation would be rendered doubtful, after the loss of the precious moments immediately subsequent to the commission of the offence, if time should be allowed to allay the sensations of horror inspired in the breasts of the witnesses. When your Excellency directed the Petty Judge of Casa Blanca to make the summary, the complaints against him did not exist, but were some time after deduced; nor was there the slightest motive to suspect his proceedings, which were marked until then with the stamp of lenity, while if any charge could have been brought against him it would have been that of permitting the officer who appeared to claim the black soldiers to carry them away, for it is prohibited to officers of his class to release individuals once detained by them as culpable; but this deference was sanctioned by your Excellency, who immediately ordered the delivery up of the wounded man, who could very well have been detained, together with his companions, pending the methodical investigation of the fact, in which case the evasive answer would have been avoided which was given by the commander of the "Romney," when they were asked of him to give their testimony, as appears by the certificate at pages 19 and 20. That the detention of the black soldiers, which is termed an outrage, should have been made at a short distance from the shore, and consequently within the limits assigned for their diversion, does not exclude the certainty that their misdemeanors were committed

on forbidden ground; which circumstance could be of but little, if any, avail in justifying the proceeding, because the demarkation of space in which the soldiers of the "Romney" might recreate themselves does not exclude the territorial jurisdiction, nor subject it to foreign domination, so as thereby to infringe our laws with impunity. The fiscal, in submitting his opinion of the 20th of last month, abstained purposely from contemning the conduct of Lieutenant Fitzgerald in the case in question, because, aware of the rigid discipline of the English, he felt assured that his proceedings would be legally examined into, and the faults he committed against the petty judge, and the armed force which had to restrain his excesses, corrected; and although he has no official knowledge of the results, he doubts not they were, as was to be expected, in accordance with justice; but seeing that Her Britannic Majesty's Commissioners have permitted themselves to designate his report as improper, where it advises that a certified account of the whole affair be transmitted to Her Majesty, with a view of furnishing the Government with the necessary information respecting an affair in which it was to be expected exaggerated demands would be made, as, in fact, were those set forth by themselves, and which were submitted to his legal censure; he now offers an incontestable proof that, devoid of partiality, his only desire is to preserve intact the credit of the laws, and a good understanding, for the due administration of justice; and he therefore proposes that your Excellency direct the summary to be ratified and extended by a proper person to be named for the purpose; not because the one already made is not sufficient for the measures adopted up to the present time—not because the conviction of the Commissioners, founded on the private information they have collected on the subject, invalidates its merit—nor because from this act may be deduced a tacit admission of any right on their part to exact such steps in matters foreign to their special mission—but because the discovery of the truth being the primary object of the tribunals for the proper applications of the laws, any suggestion whatever that may contribute towards its attainment ought to be appreciated. Should your Excellency think fit to adopt the medium proposed, you might be pleased to communicate it to the Commissioners of Her Britannic Majesty in the Mixed Court of Justice, to the end that they, on their part, may contribute towards so laudable an object, by furnishing the person to be commissioned with the opportune information which they state to have acquired, and pointing out by name the English and Spanish witnesses they mention, that they may be examined in form of law, and that the results be communicated to this department for whatever other steps may be necessary, on consideration of its merits.

(Signed) PEDRO DE ALCANTARA.

Havana, November 9, 1840.

Report.

MOST EXCELLENT SIR,—The auditor judges the medium proposed by the fiscal in his preceding report to be advisable; and in consequence your Excellency may be pleased to name a person deserving of your confidence to ratify and extend the summary, charging him to use the utmost despatch, communicating to Her Britannic Majesty's Commissioners of the Mixed Court of Justice the said report for the ends therein expressed. Your Excellency may be pleased thus to decree, or as you may deem more expedient.

(Signed) ANTO. ARMERO.

Havana, November 10, 1840.

Decree.

Havana, November 11, 1840.

AGREEING entirely with the preceding report, I name for the extension of the summary the Principal Adjutant, Captain Don Manuel Perez Alderete.

(Signed) ANGLONA.
LORENZO DE LARRAZABAL.

Notary's Certificate.

THE above is a true copy of the representation of the Chief Fiscal of the Court, of the report of the Auditor, and of the decree of conformity thereto by his Excellency the Captain-General, consequent upon the proceedings relative to the disorders committed by six black soldiers of the English hulk "Romney," and the faults of an officer of the same nation and vessel, against the Petty Judge of Casa Blanca, to which proceedings I refer. And, in obedience to directions, I have extracted the present.

(Signed) DR. LORENZO DE LARRAZABAL.

Havana, November 10, 1840.

Second Enclosure in No. 141.

Her Majesty's Commissioners to the Captain-General.

MOST EXCELLENT SIR, *Havana, November* 17, 1840.

WE have had the honour to receive your Excellency's communication of the 12th instant, in answer to ours of the 2nd, in which your Excellency is pleased to name Don Manuel Perez Alderete as a fit person to entend the investigation into the occurrences of the 12th of October last at Casa Blanca, when a British soldier was severely wounded, and detained a prisoner by the Pedaneo of the

district. This act, your Excellency states, is done in conformity with the recommendation in the Report, also enclosed, of the Fiscal, who suggests it in consequence of the statement we made of our views of the matter, above referred to, of the 2nd instant.

As your Excellency, in your former communication of the 29th of October, had informed us that the previous Reports and summary should be transmitted to Her Catholic Majesty, we understood the phrase, as usual, to purport that your Excellency had considered the decision final; and accordingly we have already forwarded to Her Britannic Majesty's Government the correspondence which had passed. We rejoice, however, to receive this proof of your Excellency's desire to further the ends of justice, and trust this desire will not be frustrated by further misrepresentations or evasions of the actual grounds of complaint.

If the soldiers have been wandering out of the limits assigned them, or have in any way been conducting themselves disorderly, we respectfully offer our opinion that complaints of their conduct ought to have been transmitted to us, as was done before by your Excellency's predecessor in an official communication of the 14th of June, 1839. But neither the Pedaneo nor the Fiscal has any right to allege such indefinite charges, in answer to complaints we had made to your Excellency in the hope of redress.

The former Report of the Fiscal we pointed out to your Excellency to be written in a tone unbecoming his position as your Excellency's adviser, and alike forgetfulness of our position as representatives of a friendly power under a solemn treaty, for the purposes of that treaty. The present Report repeats the phrases referred to; and the Fiscal should therefore be informed that our powers extend to whatever arrangements are required for the due fulfilment of the objects of the treaty, and that, therefore, we have formerly had the communications with your Excellency's predecessor for the correspondence referred to, as well as for the settling of the bounds for the recreation of the soldiers.

Under these powers, having received special directions for that purpose from Her Britannic Majesty's Government, we accepted the conditions prescribed by your Excellency's predecessor, and had in like manner the communications proceeding in consequence. In like manner we have now laid before your Excellency our grounds of complaint; and as they do not seem to be understood by the Fiscal, and therefore cannot be expected to be understood by the officer entrusted with the further examination, we beg to propose that the following questions be put to each witness; and that direct answers, yes or no, only be allowed:—

1. Was the black soldier within the limits, or not, when the wound was inflicted?
2. Was he or not, with others of his companions, taken by the Pedaneo to the deserted house on the road-side, mentioned in the summary?
3. Were the black soldiers, or not, marched thence down to the wharf by the serjeant-major who was in charge of them?
4. When at the wharf, and about to enter their boat, was the guard, or not, called out by the Pedaneo to prevent them?
5. Were the black soldiers, or not, then refused to be given up to their commanding-officer, Lieutenant Fitzgerald, who wished to take charge of them?
6. Was Lieutenant Fitzgerald, or not, prevented taking charge of them by the guard presenting their loaded muskets at him?
7. Did Lieutenant Fitzgerald draw his sword out of its sheath, or not; or did he, or not, unbuckle it, and throw it down on the ground, declaring himself also their prisoner?
8. Was Lieutenant Fitzgerald, or not, compelled by force to leave his soldier in the power of the Pedaneo and the guard?
9. Did the Pedaneo, or not, take and detain the wounded and injured man; and did he, or not, allow the man who committed the outrage to go at large?

If these questions be answered, as we believe they must be, all in the affirmative, we can have no hesitation in saying that, not only the man who committed the outrage, but also the Pedaneo, who conducted himself in the manner described, ought to be severely punished.

The Fiscal now, for the first time, talks of the faults he alleges Lieutenant Fitzgerald to have committed against the Pedaneo and the armed force who had to restrain his excesses. Of those faults and excesses we are wholly ignorant and incredulous. It is impossible to believe that an English officer would be guilty of any such foolish conduct as is ascribed to him—that of drawing his sword on an armed guard; while we must declare that the conduct of the Pedaneo, first in taking into custody an injured and wounded man while letting the offender go at large, and then in lowering Lieutenant Fitzgerald in the eyes of his soldiers by taking or detaining one of them from him, who had committed no offence whatever, was an act exceeding his duty, and a personal offence to Lieutenant Fitzgerald.

For ourselves we can have no objection to any the fullest investigation, but must protest against being bound by any over which we have no check, and at which we may not be present. With this stipulation, therefore, and on the condition that copies of the examination made, and signed at the time, be given to Lieutenant Fitzgerald, we respectfully and cheerfully accept this mark of your Excellency's desire to further the ends of justice by a more satisfactory investigation.

For the same object we subjoin the names of the British witnesses whom Don Manuel Alderete may call for the examination we have proposed: viz.—

Lionel Charles Fitzgerald, Lieutenant commanding the detachment.
John Sullivan, Serjeant-Major.
Black soldiers—Francis Graham and George Grant.
Seamen of the "Romney"—Thomas Garretty and James Young.

We have, &c.
(Signed) J. KENNEDY.
CAMPBELL J. DALRYMPLE.

His Excellency the Captain-General,
&c. &c. &c.

Third Enclosure in No. 141.

(Translation.) *The Captain-General to Her Majesty's Commissioners.*

GENTLEMEN, *Havana, Febrna* 5, 1841.

BY a decree of the 3rd instant, issued by the advice of the Auditor of War, and in conformity with the representation made by the Chief Fiscal of the Tribunal of this Captaincy-General, upon the Report of the investigation made into the excesses committed at Casa Blanca by several soldiers of Her Britannic Majesty's hulk "Romney," I have directed that what was resolved upon on the 29th October last, and which I communicated to you under the same date, be literally complied with: and I have to add that there are no means available to alter the conclusion previously come to, of which I shall acquaint Her Majesty, and furnish a Report of the measures lately adopted on the subject, for the information of the government, which I state to you, Gentlemen, in reply to your communication of the 17th November last.

God preserve you many years.

(Signed) EL PRINCIPE DE ANGLONA,
Marques de Javalquinto.

Her Majesty's Commissioners in the Mixed Court of Justice.

Fourth Enclosure in No. 141.

Her Majesty's Commissioners to the Captain-General.

MOST EXCELLENT SIR, *Havana, February* 10, 1841.

WE have had the honour to receive your Excellency's official note of the 5th instant, relative to the occurrences which took place at Casa Blanca on the 12th October last, and the further inquiry which your Excellency had directed to be taken respecting them.

We regret now to learn from your Excellency that there are not means available to alter the conclusion previously come to; and will take the earliest opportunity of forwarding this communication to Her Britannic Majesty's Government.

We have, &c.

(Signed) J. KENNEDY.
C. J. DALRYMPLE.

His Excellency the Captain-General, &c. &c. &c.

No. 142.

Her Majesty's Commissioners to Viscount Palmerston.

Havana, February 15, 1841.
(*Received March* 19.)

MY LORD,

DURING the last month the following vessels were despatched hence, suspected of being intended for Slave Trade:—

Jan. 9th, Portuguese brigantine "*Gabriel*," for Cape Verds.
„ 26th, „ schooner "*Liberal*," for Monte Video.
„ 29th, „ „ "*Ligera*," for Buenos Ayres.

The two last, your Lordship may observe, were cleared ostensibly for Monte Video and Buenos Ayres; but as they have both been previously engaged in Slave Trade, and have been now despatched without giving the names of merchant or captain, and without being inserted in the daily announcements of vessels sailing hence in lawful traffic, we have no doubt of their being really intended for the Coast of Africa.

Of the arrivals from Africa, we regret to say that increased difficulties in the obtaining of information prevent our giving such full particulars in our report as might be desired. We believe, however, that in the principal respect, namely, of numbers, we are correct in stating that there arrived on the

1st Jan. Portuguese schooner with 321 negroes.
24th „ „ schooner "*Estrella*," with 311 negroes, consigned to Forçade.
30th „ „ brigantine, with 413 negroes, consigned to Messrs. Boch, Mayner, and Co.
27th „ „ brig "*Montecu*," alias "*Voladar*," in ballast.

The last vessel is said to have been the one formerly known as the "*Voladar*," and was engaged specially to bring information of the factories at Gallinas

having been visited and destroyed by the British. This intelligence has created so much sensation among the slave-dealers and their friends, that we can have no doubt of its being authentic, and therefore beg to express our satisfaction in receiving it. Were the same course taken all down the coast, and all persons found engaged in Slave Trade made prisoners, to be sent to their respective governments in Europe or elsewhere, we have no doubt that the dealers would find a difficulty in procuring agents for their machinations which might prove insuperable.

We have received intelligence also through the United States that the celebrated "*Socorro*" has been seized by the authorities of Mozambique, with a number of other vessels, and that the "*Amalia*" has been taken by a British cruizer. We hope this may prove correct; but at present we hesitate in attaching credit to the reports. The "*Venus*," otherwise the "*Duquesa de Braganza*," of which so much has been formerly written, arrived here on the 10th inst., after landing two days previously on the coast 711 negroes. Having found it again our duty to denounce her to the Captain-General, the circumstances attending her arrival, and the correspondence thereon, will form the subject of a subsequent Despatch.

We have, &c.
(Signed) J. KENNEDY.
CAMPBELL J. DALRYMPLE.

The Right Hon. Viscount Palmerston, G.C.B.,
&c. &c. &c.

No. 143.

Her Majesty's Commissioners to Viscount Palmerston.

Havana, February 20, 1841.
(*Received March* 19.)

My Lord,

We have the honour to report that on the 14th instant the Spanish slave-schooner "*Segunda Rosario*" was brought into this place as prize to Her Majesty's ship "Cleopatra," having been detained on the 27th January last, in about latitude 18° 5′ N., longitude 64° 40 W., with 293 negroes on board. The captor in his declaration states that there were 288, but on the vessel arriving here, and the number being more carefully ascertained, it was found to have been 293; inasmuch as four had died subsequent to the capture, and one had fallen overboard, while 288 still remained on board.

The Court met for the adjudication on the 17th inst., when the papers of the vessel, which were in due course as of a Spanish merchant vessel, were produced. It appeared from them that the "*Segunda Rosario*" had sailed hence in March last for the Cape Verds, of which we also gave notice at the time; that she was some months on the coast, and was once at least visited by a British cruizer, but found not to have any article on board which could lead to a conviction. On the 3rd January, however, she took in the slaves and the equipments in the river Pongo, and was proceeding, as the captain alleged, to Porto Rico, when met with by the "Cleopatra."

These circumstances having appeared by the evidence of the officer sent in charge, and that of the master and mate of the "*Segunda Rosario*," the Court agreed to a sentence of lawful capture, with condemnation of the vessel, and decreeing the negroes to be liberated. The sentence was signed in due course on the 18th, and immediate notice being given thereof to Mr. Turnbull, Her Majesty's Superintendent of Liberated Africans, that officer took them in charge that day, in accordance with the treaty.

Her Majesty's packet "Sheldrake" being in the harbour, and intending to sail in the morning, we must of necessity postpone sending the abstract of the evidence and the sentence, which we have not had time to translate and prepare for enclosure with this Despatch.

We have, &c.
(Signed) J. KENNEDY.
CAMPBELL J. DALRYMPLE.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

No. 144.

Viscount Palmerston to Her Majesty's Commissioners.

Foreign Office, April 15, 1841.

Circular sending Treaty with the Argentine Confederation.

(See No. 11.)

No. 145.

Viscount Palmerston to Her Majesty's Commissioners.

Foreign Office, April 22, 1841.

Circular sending Convention with Hayti.

(See No. 12.)

No. 146.

Her Majesty's Commissioners to Viscount Palmerston.

Havana, February 26, 1841.

MY LORD, (*Received April* 26.)

IN our Despatch, dated the 20th instant, we had the honour to report the facts of the capture and condemnation of the Spanish slave-schooner "*Segunda Rosario*," of which case, however, we were unable to send the usual abstracts, not being able to prepare the translations in time for the packet then about sailing. We now supply the deficiency, and enclose, as usual, copies of the captor's declaration, of the abstract of the evidence, and of the sentence consequent thereon.

The "*Segunda Rosario*" has been long engaged in Slave Trade, and has been many times mentioned in our lists. She was, we understand, principally owned by a person named Rovirosa, resident here, but the adventures were taken in shares or "acciones," and the negroes found on board were owned by various speculators, besides those on account of the originators of the enterprise. Among the rest your Lordship may observe, by Enclosure No. 4, that 40 were sent on account of the rich negress, Mrs. Lightbourn, who sent with them two of her sons in charge, from her factory on the river Pongo. Since the death of her first husband, or supposed husband, Mr. Lightbourn, who was an Englishman or American, she has married a negro, and has a family of eight children altogether. The two found on board the "*Segunda Rosario*" are negroes; the children of Lightbourn are mulattoes, and have received education in the United States, where one of them is now living. Two of Lightbourn's daughters are married to white men—one to a person named Empson or Emerson, who is from Baltimore, United States, and the other to a person who in the Enclosure No. 5 signs himself "B. Campbell, a British merchant." The Enclosures Nos. 4 and 5 are evidently written by the same person; and we send the originals, as well as copies, supposing your Lordship may think proper to send them to Sierra Leone with instructions to inquire into Mr. Campbell's share in Mrs. Lightbourn's slave-dealings. We understand she has a very large factory, and is considered wealthy; indeed some indication of this may be perceived in her sending in the "*Rosario*" "40 prime slaves," who, if sold at 400 dollars each, a low average, would have brought her more than 3000*l.*

We have, &c.

(Signed) J. KENNEDY.
CAMPBELL J. DALRYMPLE.

The Right Hon. Viscount Palmerston, G.C.B.,
&c. &c. &c.

First Enclosure in No. 146.

Captor's Declaration in the case of the "Segunda Rosario."

I, ALEXANDER MILNE, Esq., captain of Her Britannic Majesty's ship "Cleopatra," hereby declare that on this 27th day of January, 1841, being in or about latitude 18° 15′ N., longitude 64° 40′ W., I detained the schooner named the "*Segunda Rosario*," sailing under Spanish colours, armed with no guns, commanded by Captain Francisco Peirano, who declared her to be bound from the Rio Pongo to Puerto Rico, with a crew consisting of 17 men, 4 boys, supercargo, 7 passengers, whose names, as declared by them respectively, are inserted in a list at foot hereof, and having on board 288 slaves, said to have been taken on board at Rio Pongo on the 3rd day of January, 1841, and are enumerated as follows, viz. :—

	Healthy.	Sickly.
Men	166	4
Women	60	None.
Boys	47	None.
Girls	15	None.

I do further declare that the said schooner appeared seaworthy, and was supplied with a sufficient stock of water and provisions for the voyage to Puerto Rico.

I do further declare that I have supplied the said schooner with 2 casks of peas, 2 casks of flour, 5 casks of water, for the use of the slaves in case the provisions should run short on their voyage to the Havana.

(Signed) ALEXANDER MILNE, *Captain.*
P. MARTIN, *Surgeon.*
ALEXANDER GORDON, *Mate and Prize-Master.*

List of the Passengers.

Antonio Montanes.	José Didon.
José de Cos.	Marcelino.
Marcial Vidal.	Juan Borges.
Marcelino Gomez.	

Second Enclosure in No. 146.

Abstract of the Evidence in the case of the "Segunda Rosario."

Mr. ALEXANDER GORDON, mate of Her Britannic Majesty's ship "Cleopatra," and prize-master of the Spanish merchant-shooner "*Segunda Rosario*," being duly sworn, deposed that he was present at the signing of the captor's declaration, the signatures being those of the commander of the capturing vessel, the surgeon, and deponent. That the "Cleopatra" has not come to this port. That the only mistake in the declaration, which was doubtless made at the time of the capture in counting over the slaves, probably owing to the hurry in which it was done, is in their number, which is therein stated to be 288, whereas, in counting them over yesterday with more care, he found the same number, though four had died since the first-mentioned period, and one had jumped overboard, so that there must have been at the time of capture 293. That the papers of the "*Segunda Rosario*" delivered to him by his commander are six in number, viz. :—1. a certificate of goods embarked in said vessel by her captain, Don Francisco Peirano, given by the custom-house of this port; 2. the sailing passport; 3. the Moorish countersign; 4. sailing directions for the masters of Spanish merchant-vessels; 5. the muster-roll; and 6. the log-book. That one of the negroes of the crew who understands English tells him there are some few articles of food left, but that, owing to the crowded state of the vessel, he has been unable to examine her. On concluding his declaration deponent presented an account for provisions he had had to supply for the support of the negroes, amounting to 82 dollars 1 real, which, together with one for medical attendance which he has and will present to-morrow, having forgotten to bring it with him, were directed by the Judges to be filed and paid in due course. He likewise begged to recommend particularly to the favourable consideration of the Court, and the other Spanish Courts, civil and criminal, by which he was to be tried, the mate of the captured vessel, for his good conduct in volunteering to pilot the schooner, which he did with the greatest care until she reached this port, and also in rendering whatever assistance was required of him by deponent in regard to the cargo.

Don Francisco Peirano, a native and inhabitant of Ferrol, 40 years of age, married, and captain of the Spanish merchant-schooner "*Segunda Rosario*," being duly sworn, deposed that he sailed from Havana, but does not recollect on what day, with Spanish papers and merchandize fit for trading in the Portuguese islands, such as tobacco, ready-made clothes, &c., and that he made direct for the before-mentioned islands. That he there sold and landed his cargo, and was there freighted for the coast of Africa by a merchant with another cargo of goods. That on arriving at Rio Pongo they were compelled to land them, and to take negroes on board, as they would not pay the merchant, and he had no other means of recovering the value of his property. That the merchant remained in Africa and placed the negroes under the charge of an individual who was left on board the capturing vessel, Don Manuel Porta, a Portuguese. That he does not know where it was intended the negroes should be landed, as it was left to the person charged with them, who was prevented from effecting it by their being captured by the English cruizer "Cleopatra," 35 miles off St. Thomas's, on or about the 27th of January last, as well as he can recollect, and brought to this port. That, not being, as he has before stated, charged with the care of the negroes, and being besides too ill to occupy himself with such matters, he does not know how many negroes were embarked in the River Pongo, or how many remained at the time of capture, or on their arrival in this port. That he knows not if there be any provisions or other articles left on board, by reason of his before-mentioned attacks of illness, which kept him confined to his berth and disabled him from attending to anything whatsoever.

Don Diego Sanchez, being next sworn, deposed that he is a native of Guijon, in Asturias, 23 years

of age, a bachelor, and mate of the Spanish schooner "*Segunda Rosario.*" That a long time ago he sailed for Africa in the schooner "*Curtiney.*" That they made for New Orleans, and afterwards for Gallinas, deponent being a passenger. That from the last-mentioned place he went to Bissão, and thence to the Cape Verd Islands, where he shipped as mate on board the "*Segunda Rosario.*" From these islands they sailed for the River Pongo. That he does not know if the captain landed the cargo. That he saw the negroes put on board, but does not know to what number; and that they then sailed, but for what destination he knows not, until they were captured by an English cruizer called "Cleopatra." That he is alike ignorant of the number of slaves at this time, though he saw three of them die; that they were then brought to this port, he being still ignorant of the number of slaves on their arrival. That, never having seen the schooner's papers, he cannot of course recognise them—the only one he knows being the log-book, which he kept as mate, bringing the captured vessel to this port, and rendering whatever services he could, especially when the vessel was in danger of being wrecked on the Keys called Los Jardines, from its being believed that they were beyond the Isle of Pines, which was not the case, and fortunately deponent was enabled to pilot the vessel until she anchored in this bay. That of the provisions he believes there is a small quantity of meat left here.

A coloured man was next examined, without being sworn, as he is not a Christian, but declaring that he would speak the truth. Many questions were put to him, from which it appears that he is a native of Rio Pongo, son of a rich woman of that place, by whom he was sent to this city on his way to Matanzas, together with a brother called Santos, now on board the cruiser "Cleopatra." That he himself is called Joseph. That there were on board the schooner some Bozal negroes from the place he belongs to, who were captured by an English vessel. That he and his brother were passengers in the schooner, and were going to Matanzas to learn Spanish. That he has no knowledge of anything else, and understands scarcely any Spanish, and that he is 24 years old.

Third Enclosure in No. 146.

(Translation.) *Sentence in the case of the* "Segunda Rosario."

In the always most faithful city of Havana, on the 18th day of February, 1841, His Excellency Don José Maria Herrera y Herrera, Conde de Fernandina, honorary grandee of Spain of the first Class, &c. &c., and James Kennedy, Esquire, the Spanish and British Judges in the Mixed Court of Justice established for the abolition of the Slave Trade, having examined the proceedings consequent upon the detention made by Her Britannic Majesty's cruizer "Cleopatra," Captain Alexander Milne, of the Spanish merchant-schooner "*Segunda Rosario*," Don Francisco Peyrano, master, on the 27th of last month, in latitude 18° 5′ N., longitude 64° 40′ W., 35 miles off St. Thomas's, from which it appears that the said schooner sailed from this port with a cargo and Spanish papers, and made for the Cape Verd Islands, where she took on board the second mate, Don Diego Sanchez, and another cargo nearly the same as the first, and then steered for Rio Pongo on the coast of Africa, where they took on board 293 slaves, for, although in his declaration Captain Milne only states 288, the prize-master on giving his evidence declared that, four having died, and one jumped overboard, there remained, when he last counted them, 288; and the above facts being fully proved by the declarations of the captors and captured individuals, and by the documents filed with these proceedings, the judges agreed that they ought to declare, and hereby do declare, with all due regard to the merits of the case, and according to the usual summary mode of proceeding in all such cases, on the truth being made manifest, that the before-mentioned Spanish merchant-schooner "*Segunda Rosario*," is a good and lawful prize, and the 288 Bozal negroes remaining alive are hereby declared free from all slavery and captivity. The secretary will, without delay, assign to them their certificates of emancipation, and the condemned vessel, with all that belongs to her, will be valued by the principal masters of the Royal Arsenal, who shall be sworn to perform their duty faithfully, and after being broken to pieces the fragments to be sold by public auction before the Government notary, Don Manuel Fornari, Don Juan Cinta being in the mean time appointed to act as depositary, receiving her from the captor according to formal inventory, in order that she be announced to the public as for breaking up by the most reasonable bidder, the proceeds to be applied to the benefit of the two Governments: a certified copy of this sentence to be addressed to His Excellency the President, Governor, and Captain-general, for His Excellency's information, and because the individuals of the crew of the "*Segunda Rosario*" remain at His Excellency's disposal. And by this their sentence definitely judging thus the judges provided, ordered, and signed, in the presence of their secretary, who certifies.

(Signed) EL CONDE DE FERNANDINA.
J. KENNEDY.

(Signed) Dor. JOSE ANTo. VALDES, *Secretario.*

Fourth Enclosure in No. 146.

Copy of a Paper found on board the "Segunda Rosario."

Rio Pongo, Africa, January 1, 1841.

Be it known to whom it might interest, that I, Isabela Lightbourn, of Rio Pongo, hast fraighted on board the Spanish schooner "*Rosario the Second*," Captain Francisco Peranio whereof is the master for the present voyage, to say 40 prime slaves, which I have intrusted under the charge of my son Joseph Lightbourn, he paying fraight for the said slaves, and has a right to dispose of the said slaves as he thinks proper.

(Signed) ISABELA LIGHTBOURN.

Fifth Enclosure in No. 146.

Copy of a Paper found on board the "Segunda Rosario."

Rio Pongo, January 1, 1841.

THIS is to certify that John Boson, who states to me that he has this day hired himself as cook on board the Spanish schooner "*Rosario the Second*," is a free native of the Rio Pongo, on the western coast of Africa, and at his request, for his protection, I give this certificate under my hand.

(Signed) B. CAMPBELL, *British Merchant.*

No. 147.

Her Majesty's Commissioners to Viscount Palmerston.

Havana, March 5, 1841.

MY LORD, (*Received April* 26.)

WE have the honour to report that on the 27th ult. his Excellency the Conde de Fernandina resigned the office of Judge on the part of Spain in the Mixed Court of Justice established at this place, the duties of which he has fulfilled upwards of ten years. Your Lordship may observe in his letters enclosed that he assigns as his actuating cause the state of his health, which requires a lengthened residence in the country, so as to prevent his being able in future to attend to those duties.

In our answer we felt ourselves bound to express our unfeigned regret to lose from the court the presidency of a nobleman so urbane in his deportment, and so firm in the maintenance of its rights and powers. We would add, as a matter of consideration, that during the ten years in which he has presided there have been but two occasions of dissent from his judgment, in one of which the British Government, upon the report of His Majesty's Advocate-General, acknowledged the validity of his decision.

According to the provisions of the Treaty of 1835, Annex B., Art. IX., the office of Judge will be filled by the Spanish Arbitrator, and that of Arbitrator by the Governor, until further appointments be made by the government of Her Catholic Majesty.

We have, &c.

(Signed) J. KENNEDY.
CAMPBELL J. DALRYMPLE.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

First Enclosure in No. 147.

Count Fernandina to Her Majesty's Commissioners.

GENTLEMEN, *Havana, March* 1, 1841.

THE Captain-General has accepted my resignation of the office of Spanish Judge in the Mixed Court of Justice, founded on the decline of my health obliging me to remain a long time in the country; and I signify this to you, assuring you that I shall preserve whilst I live a grateful remembrance of the considerations of esteem with which you have favoured me.

God preserve you many years.

(Signed) EL CONDE DE FERNANDINA.

Her Britannic Majesty's Commissioners
in the Mixed Court of Justice.

Second Enclosure in No. 147.

Her Majesty's Commissioners to Count Fernandina.

MOST EXCELLENT SIR, *Havana, March* 2, 1841.

WE regret to learn that your Excellency has found it obligatory upon you, from considerations due to your health requiring long residence in the country, to resign the office of Judge on the part of Spain in the Mixed Court of Justice, the duties of which you have, for fourteen years, so ably and so honourably discharged.

We feel that, in retiring from those duties, no acknowledgment of ours can weigh with the appro-

bation of your Sovereign, and your own consciousness of the rectitude of your conduct. But we feel also that we should be acting contrary to our convictions of right if we were not to express our regret to lose your presidency from the court, characterised, as it has been, by equal firmness, integrity, and talents, joined to an urbanity which we would beg leave particularly, on personal as well as on public grounds, to acknowledge.

We have, &c.

(Signed) J. KENNEDY.
CAMPBELL J. DALRYMPLE.

His Excellency the Conde de Fernandina,
&c. &c. &c.

Third Enclosure in No. 147.

(Translation.) *Count Fernandina to Mr. Kennedy.*

MY DEAR SIR AND LATE COLLEAGUE, *Havana, February* 28, 1841.

BEFORE I communicate to the English Commissioners officially my retirement from the Mixed Court I wish to do it to you in particular, assuring you that, though we do not continue the same duties, I shall preserve towards you the same feelings of consideration and esteem which you have inspired since I had the pleasure to know you. As a private individual, and in whatever circumstances, you may and ought to rely on my disposition to serve you in whatever you may desire. Meanwhile I remain as ever yours, faithfully and truly,

(Signed) EL CONDE DE FERNANDINA.

James Kennedy, Esq.

No. 148.

Her Majesty's Commissioners to Viscount Palmerston.

Havana, March 5, 1841.
(Received April 26.)

MY LORD,

THOUGH slave-vessels continue to come here with such lamentable frequency, and with even considerable notoriety, the parties connected with them now practise such a degree of reserve in their communications to the public, that we find it impossible to obtain sufficiently early information of the particulars attending them, so as to enable us to fulfil our duty of denouncing them to the local government. For some time past, therefore, we have been unable to lay hold of any case which would enable us to fulfil this duty in a satisfactory manner: but the arrival of the "*Venus*," otherwise the "*Duquesa de Braganza*," on the 10th February, being attended with circumstances of more than usual notoriety, we found ourselves enabled to call to them the attention of the Captain-General. Accordingly, on the 12th February, we addressed a letter to his Excellency, stating the facts attending the arrival of this vessel, for which the signal was made at mid-day from the Moro' Castle that she had arrived from Africa. We stated it was well known that she had, two days previously, landed upwards of 700 negroes on the coast, on the part of the great slave-dealer Mazorra, who were at that time on sale, though all labouring under an attack of small-pox, at the barracon in San Antonio el Chiquito.

We took the same opportunity of referring to two other cases of arrivals, of which we had not such full particulars, but could state that, on the 30th January, a brigantine, under Portuguese colours, had landed on the coast 413 negroes, consigned to the Catalan firm of Boch, Mayner, and Co.; and that, on the 24th January, another vessel had come with 311 negroes, consigned to the French slave-dealer, M. Forçade.

We observed it was notorious, therefore, that within a fortnight about 1500 negroes had been introduced into this place or neighbourhood, and that it was impossible for such an importation to be effected without the knowledge of the government.

In his answer of the 14th February his Excellency informed us that he had commissioned the Third Lieutenant-Governor immediately, and without a moment's delay, to go to the barracon specified, and apprehend the Bozal negroes found there. This letter we received on the 15th, and on the same day we learned that it was well known throughout the city and at the barracones that a search, or pretended search, was to be made on the evening of that day, so much so that we heard of a person who had been in treaty for some

of the negroes, and whose offer had been refused, was applied to and told his offer would be accepted, provided he would clear them away immediately. We learned also that they were to be removed, or were already removed, notwithstanding their suffering, many of them severely, from illness and debility, to another barracon in the immediate vicinity of the governor's country-house.

Under these circumstances we immediately addressed another letter to his Excellency, letting him know of our being acquainted with the real facts attending this immediate investigation, and requesting that it might be extended to the other barracon (of Misericordia) also. His Excellency immediately answered us, in a short note, that he had given directions accordingly.

On the 2nd March instant we received a communication from his Excellency, not favouring us with any report or detail of the investigation, but merely stating that, upon its being made, no proofs whatever had resulted of the facts alleged. In our final answer we expressed our regret that any means should be found to exist enabling persons guilty of such offences to escape from punishment, and assured his Excellency that we had made our denunciation under a knowledge of circumstances that left no doubt in our minds of the truth of the charge.

There are many reports prevalent respecting the conduct of the persons connected with the government in this business, and very large sums are mentioned as the prices demanded, if not paid, in consideration of screening offenders so notoriously subject to amercement. We have no doubt whatever but that some bribes have been paid, but cannot believe that the large sums mentioned in some reports have been; preferring another report, that the parties refusing to submit to such exactions escaped by declaring they would throw all the negroes on the hands of the government, and expose it to the obloquy it deserved of its well-known protection of the trade. Whatever may be the real truth in this respect, the result is that an answer has been returned us which can deceive no one, and which only shows how impossible it is to rely upon this government for any effectual aid in support of the treaty for the suppression of Slave Trade. We feel, therefore, renewed occasion to express a wish that your Lordship's proposal to the Spanish Government, made so long since as the 26th October, 1838, be repeated,—"That power be given to the Mixed Court of Commission established at the Havana to call before it parties suspected of being engaged in the Slave Trade, and to subject them to the same course of examination, which ought to be carried on by the administrative officers of the colonial government, but which is wholly evaded and omitted by these officers."

We have, &c.

(Signed) J. KENNEDY.
CAMPBELL J. DALRYMPLE.

The Right Hon. Viscount Palmerston, G.C.B.,
&c. &c. &c.

First Enclosure in No. 148.

Her Majesty's Commissioners to the Captain-General.

MOST EXCELLENT SIR, *Havana, February* 12, 1841.

WE have refrained lately from calling your attention to the numerous cases of arrivals of slave-vessels which have come to our knowledge, in the hope that your Excellency's subordinate authorities would have been induced to act more in accordance with their duties upon observing the course taken by Her Britannic Majesty's Government in respect of former violations of the law and the Treaty relating to Slave Trade. We regret to think that all remonstrances have been made in vain, and that severer measures must be adopted to enforce that obedience, which ought to proceed spontaneously from the respect due to the wishes of the high contracting powers.

On the 10th of February instant arrived in this harbour a vessel under Portuguese colours, for which the signal was made at the Moro' as having come from the coast of Africa. This vessel proved to be the "*Venus*," otherwise the "*Duquesa de Braganza*," a notorious slaver, which was well known only two days previously to have landed a few miles to the eastward above 700 negroes. These are, we understand, now on sale at the barracon in San Antonio el Chiquito, and the property of a Spanish slave-dealer, Don Jozé Mazorra. It is further reported that they are all labouring under an attack of small-pox.

On the 30th of January last arrived another vessel, a brigantine, under Portuguese colours, which landed 413 negroes near this port, consigned to the Catalan firm of Bosch, Mayner, and Co.

On the 24th of January, another vessel came with 311 negroes, consigned to a French slave-dealer named Forçade.

Within a fortnight, therefore, it is notorious that about 1500 negroes have been brought into this port, or its immediate neighbourhood, and it is impossible that such an importation could be had without coming to the knowledge of your Excellency's Government. It is our duty to represent these circumstances to your Excellency, as well as to our own Government, and we should be glad to hope that our representations might be attended with success in putting an end to such transactions, and ensuring the punishment of such offenders.

We have, &c.
(Signed) J. KENNEDY.
CAMPBELL J. DALRYMPLE.

The Captain-General,
&c. &c. &c.

Second Enclosure in No. 148.

(Translation.) *The Captain-General to Her Majesty's Commissioners.*

GENTLEMEN, *Havana, February* 14, 1841.

As soon as I became acquainted with your communication of the 12th instant, which I this day received, relative to the arrival at this port from the coast of Africa of the three vessels mentioned therein, and of the negroes which they brought being deposited in the barracon of San Antonio el Chiquito, I commissioned the Third Lieutenant-Governor, who resides in the suburbs, to go immediately and without a moment's delay to the place designated, and to apprehend the Bozal negroes found there; and have likewise authorized him to enter upon the customary summary investigation into the facts referred to in your before-mentioned communication, this Government being always disposed, in obedience to her Majesty's orders, to give effect to the Treaties, it being understood that I will acquaint you with the result of the inquiry.

God preserve you many years.
(Signed) EL PRINCIPE DE ANGLONA, MARQUES DE JAVALQUINTO.

Her Majesty's Commissioners,
&c. &c. &c.

Third Enclosure in No. 148.

Her Majesty's Commissioners to the Captain-General.

MOST EXCELLENT SIR, *Havana, February* 15, 1841.

WE have had the honour to receive your Excellency's provisional answer of the 14th instant to our communication of the 12th, promising that immediate search should be made at the barracon of San Antonio el Chiquito for the Bozal negroes we had denounced as having been to be found there, of the cargo of the slave-vessel "*Venus.*"

We regret to learn, however, from another source on which we can rely, that the search is not to be made till this evening, and that meanwhile notice has been given to the parties at the barracon just mentioned, so that they are removing, or have already removed, them to another barracon, that of the Misericordia, which is in the immediate vicinity of your Excellency's country-house.

We have, therefore, to request that your Excellency will immediately institute further orders that the search be extended to the last-mentioned barracon, as well as to the other.

We have, &c.
(Signed) J. KENNEDY.
C. J. DALRYMPLE.

The Captain-General,
&c. &c. &c.

Fourth Enclosure in No. 148.

(Translation.) *The Captain-General to Her Majesty's Commissioners.*

GENTLEMEN, *Havana, February* 15, 1841.

THIS day I forward to the Señor Third Lieutenant-Governor your communication of the same date, in order that he may proceed immediately to the search of the barracon of the Misericordia.

God preserve you many years,
(Signed) EL PRINCIPE DE ANGLONA, MARQUES DE JAVALQUINTO.

Her Majesty's Commissioners,
&c. &c. &c.

Fifth Enclosure in No. 148.

(Translation.) *The Captain-General to Her Majesty's Commissioners.*

GENTLEMEN, *Havana, March* 2, 1841.

FROM the summary investigation I directed the Third Lieutenant-Governor of this Government to enter into, in consequence of the denunciation made by you in your letters of the 12th and 15th of February last, upon the information you had received of the arrival in this port of three slave-vessels

under Portuguese colours, consigned to the individuals whose names you therein state, and of the landing of Bozal negroes, who at that time were said to be in the Barracon of San Antonio el Chiquito, belonging to Don José Mazorra, no proof whatever of the above facts has resulted, as appears by the measures adopted in the course of the said investigation, in which they are detailed very minutely, and in the order adopted by the chief commissioned, according to my directions; it appearing by the certificate of the captain of the port that the Portuguese brig "*Duquesa de Braganza*" entered this harbour in ballast, as coming from Goa, consigned to her master, Don José Barbosa, there being no entry made in his office of the arrival of the other two vessels from Africa at the time therein mentioned: and I give you this statement as the final result of the proceeding, for your information, and in order that you may be convinced of the measures dictated by the Government, which is always disposed to the observance of the Treaty.

God preserve you many years.

(Signed) EL PRINCIPE DE ANGLONA, MARQUES DE JAVALQUINTO.

Her Majesty's Commissioners,
&c. &c. &c.

Sixth Enclosure in No. 148.

Her Majesty's Commissioners to the Captain-General.

MOST EXCELLENT SIR, *Havana, March* 3, 1841.

WE have had the honour to receive your Excellency's official letter of the 2nd of March inst. respecting a denunciation we had made in our letters of the 12th and 15th of February last of a number of Bozal negroes being then at the barracones of San Antonio el Chiquito and Misericordia from the cargoes of certain slave-vessels, the "*Duquesa de Braganza*" and others, which had recently arrived here under Portuguese colours from the coast of Africa.

In two former letters, written provisionally, of the 14th and 15th, your Excellency informed us that instructions had been given to the Third Lieutenant-Governor to make strict inquiry at those barracones and into the circumstances denounced. In the letter now before us your Excellency informs us that upon this inquiry being made no proofs resulted of any such negroes being at those barracones, while it appeared from a certificate of the captain of the port that the "*Duquesa de Braganza*" had entered here in ballast from Goa, without any entry being made in his office of the other vessels referred to.

We beg duly to acknowledge your Excellency's ready attention to the complaints we had found it our duty to make, and regret that any means should be found to exist enabling persons guilty of such offences to escape from punishment. We assure your Excellency that we made our denunciation under a knowledge of circumstances that left no doubt in our minds of the truth of the charge.

We have, &c.

(Signed) J. KENNEDY.
C. J. DALRYMPLE.

The Captain-General,
&c. &c. &c.

No. 149.

Her Majesty's Commissioners to Viscount Palmerston.

Havana, March 10, 1841.

MY LORD, (*Received April* 26.)

DURING the last month the following vessels were despatched hence suspected of being intended for the Slave Trade:—

11th February,	for Buenos Ayres,	Portuguese brig		"*Fortuna.*"
15th „	Montevideo	„	„	"*Josefine.*"
18th „	Buenos Ayres	„	schooner	"*Felicidade.*"
23rd „	Montevideo	„	„	"*Esperanza.*"

Your Lordship may observe that they were, according to the practice now adopted, all despatched ostensibly to South America; but as no entry was made of the names of the merchants or masters, and as the vessels were formerly well known in the Slave Trade, we can have no doubt of their being intended for the same purpose again. The number despatched we fear is a prognostication of the dealers being as desperately bent as ever in carrying on their pursuits.

The only vessel that arrived during the month, we believe, was the "*Venus,*" otherwise the "*Duquesa de Braganza,*" on the 10th of February, and which forms the subject of a previous despatch. This vessel has since been put up for sale by auction, and is, we understand, in future to be a packet, to sail between this place and Santander. At the same time by auction was sold the "*Dido,*" a vessel which has gone three voyages to the coast of Africa, under American colours, though belonging to the same parties, of whom Mazorra is the chief. This person has, we understand, retired from all business, and is about returning to Spain, with a fortune of four millions of dollars.

But though the Slave Trade seems to be continued with so much vigour, notwithstanding the exertions of Her Majesty's Government, we are glad to think that a spirit increasingly hostile to it is growing up in this island. Though the local government is notoriously and shamelessly affording it every protection, we understand that strong and serious representations, on the other side, have been sent to Madrid from some very influential persons in this place; and the Royal Patriotic Society, composed of about 350 of the principal inhabitants, have, as far as they could be allowed to do so, set themselves in array against it. Of one of these meetings we enclose your Lordship a translation from the Diario of the 16th of February, and we feel assured your Lordship will consider it very gratifying, in connection with the document from the same paper which we appended to our yearly report of the 1st of January last. As characteristic of the objects of the society, we would state that during the last year their receipts amounted to nearly 17,000 dollars, of which upwards of 10,000 dollars were expended for elementary schools and a school of design.

We have, &c.
(Signed) J. KENNEDY.
CAMPBELL J. DALRYMPLE.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

Enclosure in No. 149.

Antonio Bachiller, Secretary, to Don Jozé T. de Arazoza, Editor of the Diario of Havana, Member of the Royal Patriotic Society.

(Translation.) *Secretary's Office of the Royal Patriotic Society*
SIR, *of Havana, February* 8, 1841.

I REMIT to you the enclosed document, that you may please to insert it in your valuable periodical, in fulfilment of the agreement to which it has reference.

"The Licentiate Don Antonio Bachiller y Morales, Advocate of the Royal Audiencias of the island, Licentiate in the Sacred Canons, Professor of Political Economy in the Royal College Seminary of San Carlos, Member of Merit of the Royal Economic Society of Friends of the Country, its Secretary, &c.:—

"I certify that, in the ordinary meeting of the 27th January last past, it was proposed and agreed to, among other matters, as follows:—The Señor Director took the address and said, 'He considered that the Royal Patriotic Society ought to give a marked expression of thanks to the Licentiate Don Miguel Estorch and Co., for their introduction into this island of the system of white colonization, for which there had been so many propositions, and at such distinct periods, by the Society.' The proposition being received with enthusiasm by the meeting, it was agreed that a certificate of this part of the proceedings be forwarded to the promoters of the enterprise, that it should be declared to them how meritorious in the eyes of the Royal Patriotic Society was the determination, perseverance, and patriotism of which they gave a laudable proof, opposing the torrent of prejudices, and exposing their interest to an experiment which was always thought hazardous; and that the Committee, anticipating the wishes of so worthy enterprisers, only waited the results of the speculation to remit to them the title of Fellows of Merit of the Royal Patriotic Society of Havana, in conformity to one of the provisions of the annual programme of premiums. The proceeding continued, the Secretary read a communication from a friend, Don Pedro José Morillas, in which he sought that the Royal Society should beseech the Most Excellent Señor Prince of Anglona to interpose his mediation with the Most Excellent Señor Superintendent-General of the Royal Revenues, that he declare free from all duties on exportation, for some years, the sugars produced by white labourers; recommending him as President of the Royal Corporation of Encouragement (la Real Junta de Fomento), from which the island receives such benefit, that he stimulate the cultivation of sugar and coffee with white labourers; that they address the Patriotic diputaciones on the same particular, and offer the title of Fellow of Merit and a gold medal of the value of six ounces to whoever should present a crop of 500 boxes of sugar produced by white labourers. The meeting unanimously approved the proposition of their friend Morillas; and in regard to the premium which he mentioned, he was informed that it was included in the letter that was in the press of the Royal Patriotic Society for impression. It was determined that to these resolutions the greatest publicity should be given, to stimulate new enterprises; that, for the same end, they should be distributed to the diputaciones; and that the proposition of Señor Morillas be put in certificate to our worthy Most Excellent Señor the President, that it may have the ordinary course, as the Patriotic body hope, from the well-known intelligence of His Excellency, that he would give it his powerful assistance.

"In conformity to the resolutions to which this reference is made, and which are detailed in the ninth book of the acts of this corporation, to which I refer, and complying with the resolution, I deliver the present, visaed by the Director, and sealed with the arms of the Royal Patriotic Society.

"Approved, JOSE DE LA LUZ, *Director.* (L.S.)
"*Havana, February* 5, 1841." ANTONIO BACHILLER.

No. 150.

Her Majesty's Commissioners to Viscount Palmerston.

Havana, March 18, 1841.

MY LORD, (*Received April* 26.)

WE have the honour to report that on the 7th instant his Excellency Don Geronimo Valdes arrived here, to assume the office of Captain-General of the island, to which he was appointed by the Provisional Regency of Spain on the 5th November last. On his arrival, his Excellency having duly notified to us his assuming the command, and named yesterday, the 17th instant, for our introduction to him, according to usual practice, we accordingly had then the honour of being presented, for the purpose of producing the commissions by which we are appointed to act here, on the part of Great Britain, under the treaty with Spain for the suppression of Slave Trade. His Excellency received us with every consideration, and assured us that under his government the provisions of the treaty should be "religiously fulfilled." From the high character of his Excellency, and the nature of the announcements he has made of his intended policy, there is certainly arising a great alarm among the slave-dealers, and therefore we hope that the promises given us may be more honourably observed than were those of his predecessors. One adventure that was about to be made has, we have heard, been withdrawn; and M. Forçade is, it is said, using extraordinary haste to despatch three small vessels, to have them returned before the time after which the Captain-General has pledged himself that he will rigorously punish every infraction of the law. We regret to learn that these three vessels are to sail under circumstances that afford us no feasible grounds for denouncing them.

We have, &c.

(Signed) J. KENNEDY.
CAMPBELL J. DALRYMPLE.

The Right Hon. Viscount Palmerston, G.C.B.,
&c. &c. &c.

No. 151.

Viscount Palmerston to Her Majesty's Commissioners.

GENTLEMEN, *Foreign Office, May* 1, 1841.

WITH reference to my previous despatches to you respecting the African negroes found on board the Spanish ship "*Amistad*," I herewith transmit to you for your information a copy of a despatch which I have received from Her Majesty's Envoy to the United States of America, stating that, by a decision pronounced upon this case in the Supreme Court of the Union, those negroes are declared to be free men, and all claim against them is dismissed.

I am, &c.

(Signed) PALMERSTON.

Her Majesty's Commissioners,
&c. &c. &c.

Enclosure in No. 151.

Mr. Fox to Viscount Palmerston, March 9, 1841.

(See Class D.)

(Extract.) No. 152.

Her Majesty's Commissioners to Viscount Palmerston.

Havana, March 31, 1841.
(*Received May* 13.)

We have the honour to enclose copies of a letter we have received, dated the 24th instant, from Her Majesty's Superintendent of liberated Africans, and of our answer thereto, respecting his disposition of the survivors of the negroes taken on board the Spanish slave-schooner "*Segunda Rosario*," and liberated by decree of the Mixed Court of Justice on the 18th February last. From the former letter your Lordship will perceive that, of the 279 surviving, 275 were sent to Nassau, who all arrived there safely and well; and that three others, who were ill when their companions sailed, were afterwards, on becoming sufficiently convalescent, removed by the packet to Honduras, leaving one sick man still on board the hulk "Romney."

First Enclosure in No. 152.

Mr. Turnbull to Her Majesty's Commissioners.

Gentlemen, *Havana, March* 24, 1841.

I have the honour to acquaint you that, having consigned 275 of the surviving Africans of the "*Segunda Rosario*," including the whole of the females, to the care of the Governor of the Bahamas, I have now received a despatch from his Excellency, acquainting me that they have all arrived in safety at Nassau.

Of the four sick men who remained on board the "Romney," I sent three, as soon as the progress of their recovery permitted their removal, to Honduras, to the care of Colonel M'Donald; the fourth and last, Mauricio, No. 205, is still on board Her Majesty's ship.

I have, &c.
(Signed) D. TURNBULL.

Her Majesty's Commissioners,
&c. &c. &c.

Second Enclosure in No. 152.

Her Majesty's Commissioners to Mr. Turnbull.

Sir, *Havana, March* 25, 1841.

We have the honour to acknowledge the receipt of your letter of yesterday's date, informing us of your having sent to Nassau 275 of the Africans found on board the "*Segunda Rosario*," and of their safe arrival at that place; also of your having subsequently sent to Honduras three others, who were left sick on board the "Romney" when the 275 sailed for Nassau, and that one sick man yet remains on board the "Romney."

We have, &c.
(Signed) J. KENNEDY.
C. J. DALRYMPLE.

David Turnbull, Esq.
&c. &c. &c.

No. 153.

Her Majesty's Commissioners to Viscount Palmerston.

Havana, April 14, 1841.
(*Received May* 13.)

My Lord,

We have the honour to enclose Copies of a Letter from the Captain-General of the Island, with the answer thereto, dated the 12th of April instant, communicating the information that His Excellency Don Juan Montalvo, late Commissioner of Arbitration on the part of Spain, in the Mixed Court of Justice at this place, had resigned that office, as well as declined the office of Judge, vacant on the retirement of the Conde de Fernandina. The Captain-General observes, that the two appointments will be, in consequence, discharged according to the directions of the Treaty, until Her Majesty shall determine otherwise.

We have, &c.
(Signed) J. KENNEDY.
CAMPBELL J. DALRYMPLE.

The Right Hon. Viscount Palmerston,
&c. &c. &c.

First Enclosure in No. 153.

(Translation.) *The Captain-General to Her Majesty's Judge.*

SIR, *Havana, April* 12, 1841.

UNDER this day's date I write to His Excellency Don Juan Montalvo as follows:—

"Most Excellent Sir,—I have received the official note which your Excellency has been pleased to address to me from your estate of San Ignacio, under date of the 17th of last month, explaining the powerful motives which prevent you not only from accepting the appointment to which you were named by His Excellency my predecessor, of Spanish Commissary Judge in the Mixed Court of Justice for the adjudication of captured slave-vessels, but also of continuing the duties of Arbitrator in the said tribunal. In reply I inform your Excellency that I accept your said resignation."

I transcribe the above for your information, it being understood that the said appointments will in consequence be filled up in accordance with the Treaty, until Her Majesty shall determine otherwise.

God preserve you many years.

James Kennedy, Esq. (Signed) GERONIMO VALDES.
&c. &c. &c.

Second Enclosure in No. 153.

Her Majesty's Judge to the Captain-General.

MOST EXCELLENT SIR, *Havana, 13th April*, 1841.

I HAVE had the honour to receive your Excellency's letter of the 12th instant, informing me of the resignation by his Excellency Don Juan Montalvo of his office as Arbitrator, on the part of Spain, in the Mixed Court of Justice, and also of his declining to act as Judge in the same Court, to which office he was nominated on the resignation of the Conde Fernandina by your Excellency's predecessor.

Your Excellency further informs me that the two appointments will in consequence be discharged in accordance with the Treaty, until Her Majesty determines otherwise.

In answer, I beg to return my due acknowledgments, and will take the earliest opportunity of reporting the above communication to Her Britannic Majesty's Government.

I have, &c.

His Excellency the Captain-General, (Signed) J. KENNEDY.
&c. &c. &c.

No. 154.

Her Majesty's Commissioners to Viscount Palmerston.

Havana, April 14, 1841.

MY LORD, (*Received May* 13.)

DURING the last month we understand there were two vessels arrived here with negroes from the coast of Africa, but we have learned particulars only of one, which landed a cargo of about 345, a few miles from this place, on or about the 17th of the month. During the same period we have ascertained that only one was despatched hence, avowedly for the coast of Africa, viz., March 31st, for Loanda, Portuguese schooner "*Astrea*;" but there was one, if not more, despatched ostensibly for other places, under circumstances which give reason to suspect they were intended for Slave Trade.

The known character and opinions of the present Captain-General, Don Geronimo Valdes, we are glad to observe, are working a favourable result for the policy of Her Majesty's Government, and that a strong memorial is in course of signature by the principal Creole inhabitants of the island and others, calling on him entirely to suppress the traffic, in conformity with the law. This step, we may be assured, would not be taken, unless it were understood that it would not be unacceptable, as assisting the attempts of the Government.

We have, &c.

(Signed) J. KENNEDY.
CAMPBELL J. DALRYMPLE.

The Right Hon. Viscount Palmerston, G.C.B.,
&c. &c. &c.

No. 155.

Viscount Palmerston to Her Majesty's Commissioners.

GENTLEMEN, *Foreign Office, May* 24, 1841.

I HEREWITH transmit to you, for your information and guidance, a Copy of a Letter which, by my directions, has been addressed to the Secretary to the

Admiralty, respecting the search and detention of vessels bearing the flag of the United States of America, and suspected of Slave Trade.

I have, &c.

Her Majesty's Commissioners, &c. &c. &c. (Signed) PALMERSTON.

Enclosure in No. 155.

Viscount Leveson to Sir John Barrow, May 18, 1841.

(See No. 25.)

No. 156.

Her Majesty's Commissioners to Viscount Palmerston.

Havana, April 26th, 1841.
(Received July 2.)

My Lord,

We have the honour to enclose your Lordship a Copy of a Letter we have received from the Captain-General, informing us of his having appointed the first Lieutenant-Governor to act as Judge on the part of Spain in the Mixed Court of Justice, until the further pleasure of the Government of Her Catholic Majesty be ascertained.

The Treaty on this point (Annex B. Article IX.) stipulates that "in case the vacancy be that of the Spanish Judge his place shall be filled by the Spanish Arbitrator, and either in that case or in the case where the vacancy be originally that of the Spanish Arbitrator, the place of such Arbitrator shall be filled successively by the Governor or Lieutenant-Governor resident in such possession, by the principal magistrate of the same and by the Secretary of the Government."

No provision, however, is made for the event of vacancies of both Spanish Judge and Arbitrator, and the authorities here have, upon consideration of the question, come to the conclusion, that the Captain-General had the power of nominating his first Lieutenant-Governor to act as Judge. Should any doubt be entertained on this point, we trust no inconvenience will arise, as we understand that recommendations have been forwarded to Madrid with the names of persons who have accepted the nominations as Commissioners on the part of Spain, the Marques de Esteva, who is also a Count of the Holy Roman Empire, and a nobleman of great wealth and consideration, having consented to take the appointment of Spanish Judge.

We have, &c.

(Signed) J. KENNEDY.
CAMPBELL J. DALRYMPLE.

The Right Hon. Viscount Palmerston, G.C.B. &c. &c. &c.

First Enclosure in No. 156.

(Translation.) *The Captain-General to the Mixed Court.*

Havana, April 19, 1841.

Gentlemen,

Under this date I have communicated to the First Lieutenant Assessor-General of Government the following:—

The situation of Commissary Judge in the Mixed Tribunal of Justice being vacant by the resignation of his Excellency the Conde de Fernandina, I have thought proper to nominate you, provisionally, to the said post, until the resolution of Her Majesty be known in accordance with the Treaty, by reason of his Excellency Don Juan Montalvo having also resigned the situation of Commissioner of Arbitration.

God preserve you many years.

The Commissioners of the Mixed Court of Justice. (Signed) GERONIMO VALDES.

Second Enclosure in No. 156.

Her Majesty's Commissioners to the Captain-General.

Havana, April 21, 1841.

Most Excellent Sir,

We have the honour to acknowledge the receipt of your letter of the 19th instant, informing us

of your having nominated the First Lieutenant Assessor-General of the Government to act as Judge, on the part of Spain, in the Mixed Court of Justice at this place, provisionally, until the resolution of Her Majesty be known, in accordance with the Treaty, upon the resignation of their offices respectively by their Excellencies the Conde de Fernandina and Don Juan Montalvo.

We have, &c.

(Signed) J. KENNEDY.
C. J. DALRYMPLE.

His Excellency the Captain-General,
&c. &c. &c.

(Extract.)

No. 157.

Her Majesty's Commissioners to Viscount Palmerston.

Havana, May 5, 1841.
(*Received July* 2.)

We have the honour to acknowledge having received your Lordship's Despatch dated the 15th of March last, favouring us with Copies of Despatches sent to Her Majesty's Minister at Madrid, and also to Mr. Consul Turnbull at this place, on the subject of the negroes emancipated under the Treaty of 1817, and desiring us to concert with this gentleman the best means of carrying into effect the wishes of Her Majesty's Government respecting those emancipados.

Your Lordship closes the Despatch hereby acknowledged by enjoining us, "as an essential part of our duty, to act always in cordial concert with Her Majesty's other functionaries in Cuba and elsewhere upon subjects connected with Her Majesty's service."

We assure your Lordship, that it has always been our anxious desire to act strictly in accordance with this injunction, and trust that our continued efforts in this respect will meet with your Lordship's approbation.

No. 158.

Her Majesty's Commissioners to Viscount Palmerston.

Havana, May 15, 1841.
(*Received July* 2.)

My Lord,

We have the honour to enclose Copies of a Correspondence we have had with Mr. Consul Turnbull, on the subject of an alleged act of Slave-trading at Santiago de Cuba, under English colours. It appears that an English vessel named the "*Antonio*," the Captain's name being Wallen, came here from Liverpool by way of Santiago, and found there a small vessel under English colours, the Captain of which told him that he had, a few days previously, landed 192 Africans on the coast. Captain Wallen could neither tell the name of this vessel nor that of his informant, but described his person to Mr. Turnbull, and added that he was to come here immediately in the first steamer to Batabanò.

Under these circumstances we wrote to Captain Wallen requesting he would favour us with a call, when we learned that his informant, who called himself the Captain of the English vessel, was he believed a Spaniard, and that he could give us no further information than had already been detailed. We had, therefore, no other alternative than to write to Her Majesty's Consul at Santiago de Cuba, who, we trust, will have lost no time in investigating the matter and in reporting respecting it to your Lordship.

We have, &c

(Signed) J. KENNEDY.
CAMPBELL J. DALRYMPLE.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

P.S.—25th May. Since writing the above, we have received a letter from Her Majesty's Consul at Santiago, dated the 17th instant, enclosing us a Copy of a Despatch he had addressed to your Lordship of the 5th of April last, both

enclosed, respecting a Spanish vessel named the "*Corina*," which he concludes, and we think justly, to be the one asserted to have been there under English colours.

J. K.
C. J. D.

First Enclosure in No. 158.

Mr. Turnbull to Her Majesty's Commissioners.

GENTLEMEN, *Her Majesty's Consulate, Havana, April* 21, 1841.

I HAVE the honour to enclose the Copy of a Minute I have just taken from the lips of Captain Wallen, of the "Antonio," from which you will perceive that a slaver, under English colours, has recently landed a cargo of slaves in the neighbourhood of Santiago de Cuba; and that the slave captain is probably to arrive at the Havana by the steam-boat now daily expected.

The Minute contains a description of his person; but Captain Wallen can neither communicate his name, nor that of his vessel.

I have, &c.
(Signed) D. TURNBULL.

Her Majesty's Commissioners,
&c. &c. &c.

Second Enclosure in No. 158.

Havana, April 21, 1841.

CAPTAIN WALLEN of the "Antonio" states that, having touched at Santiago de Cuba, he found lying there, a fortnight ago, a schooner under English colours, about 90 tons burthen, the captain of which had boasted to Captain Wallen that he had landed a few days before a cargo of 192 slaves from the Coast of Africa.

The schooner was painted black, the masts and yards the same, raking very much abaft, but in other respects not looking much like a slaver. Captain Wallen believes that she must have been built in some part of the British West Indies. The captain of this slaver seemed to be from 28 to 30 years of age, about 5 feet 5 inches high, very dark complexion, with crooked projecting teeth, and wearing very large and black whiskers and mustachoes, and he told Captain Wallen that he was to go to Havana by the next steamer to Batabanò.

(Signed) ROBERT WALLEN.

Third Enclosure in No. 158.

Her Majesty's Commissioners to Captain Wallen.

SIR, *Havana, April* 24, 1841.

WE the undersigned, Her Majesty's Commissioners under the Treaty with Spain for the suppression of Slave Trade, request the favour of your calling at our Office, No. 4, above the Fishmarket, on Monday or Tuesday next at your convenience, between the hours of 12 and 3 o'clock, for the purpose of giving us such further information as we seek, and as you may have it in your power to give, respecting the statement you made to Mr. Consul Turnbull of slave trading at Santiago de Cuba in a vessel under English colours.

Mr. Dalrymple has twice called to see you at your consignee's without having had the good fortune to meet with you.

We are, &c.
(Signed) J. KENNEDY.
C. J. DALRYMPLE.

Captain Wallen,
&c. &c.

Fourth Enclosure in No. 158.

Her Majesty's Commissioners to Mr. Turnbull.

SIR, *Havana, April* 22, 1841.

WE have received your letter of yesterday's date enclosing us a copy of a statement made and signed by "Captain Wallen of the 'Antonio,'" to the effect "that a fortnight ago he saw at Santiago de Cuba a schooner under English colours, the captain of which had boasted to him that he had landed a few days before a cargo of 192 Africans; that the captain making this boast seemed to be from 28 to 30 years of age, about 5 feet 5 inches high, very dark complexioned, with crooked projecting teeth, and wearing very large and black whiskers and mustachoes, and that he told Captain Wallen he was to go to Havana by the next steamer to Batabanò."

You add that "Captain Wallen can neither communicate his name, nor that of his vessel."

Under these circumstances we can only request you will instruct Captain Wallen to give you, or us, the earliest information of this person's being in Havana, if he should happen to meet him again, and regret that as Batabanò is more than 18 leagues distant, and the steam-boat is probably there already, it is impossible for us to take any steps to watch his arrival by it. It is equally impossible for us to be

able to trace his arrival here by any of the conveyances upon the information given, but we should be glad to receive from you any assistance you may have it in your power to give, so as to authorize our applying to the Captain-General to have the suspected person taken and examined respecting the offence of which he has boasted.

We observe, however, that Captain Wallen does not expressly state his supposition or belief of the man being a British subject, and we cannot presume that if the fact were so, of such a cargo having been brought in an English vessel, that the English Consul at Santiago de Cuba could be either ignorant of it, or so regardless of his duties as not to have taken the proper steps respecting it.

We have, &c.
(Signed) J. KENNEDY.
C. J. DALRYMPLE.

Mr. Turnbull,
&c. &c.

Fifth Enclosure in No. 158.

Her Majesty's Commissioners to Mr. Consul Hardy.

SIR, *Havana, April* 26, 1841.

HAVING had a correspondence with Mr. Consul Turnbull on a statement made to him of a slave-trading transaction at Santiago de Cuba under English colours, we think it right to forward you a copy of it for your information and guidance.

We are, &c.
(Signed) J. KENNEDY.
C. J. DALRYMPLE.

Mr. Consul Hardy,
&c. &c.

Sixth Enclosure in No. 158.

Mr. Consul Clarke to Her Majesty's Commissioners.

GENTLEMEN, *British Consulate, St. Jago de Cuba, May* 17, 1841.

I HAVE had the honour to receive your Despatch of the 26th of last month, relative to a statement made to Mr. Consul Turnbull "of a slave-trading transaction at Santiago de Cuba under English colours."

In reply I beg to enclose the copy of a Despatch I had the honour to address to Lord Palmerston upon the 5th of April, and as the slaver described in that document agrees in every particular with the one described by the master of the "Antonio," with the exception of not being under English colours, there cannot be any doubt but that the master of the "Antonio" was either romancing or had been misinformed. In the Spanish paper "*El Redactor,*" published in this city yesterday, appears a statement of vessels in port on the previous day, Saturday the 15th instant, and among others is "Polacca Española '*Corina,*' Captain Galindez."

I have, &c.
(Signed) CHARLES CLARKE.

Her Majesty's Commissioners,
&c. &c. &c.

Seventh Enclosure in No. 158.

Mr. Consul Clarke to Viscount Palmerston.

MY LORD, *British Consulate, St. Jago de Cuba, April* 5, 1841.

I BEG leave to acquaint your Lordship that the Spanish polacca schooner "*Corina,*" Felix Galindez, master, with a crew of 6 men and 3 passengers, entered this port upon the 28th of March after having landed 190 Africans of all ages in the Bay of Juragua, a little to windward of this city.

There is no slaver fitting out here at present, but there sailed last month the Portuguese schooner "*Aurelia,*" Manuel de Silva, master, with a crew of 16 men, for Bissao, and the Spanish pilot-boat "*Amelia,*" Cabrera, master, with about 25 men for the Canaries, Cape Verds, and Goree, each loaded with sugar, coffee, and spirits, and I have had information that their ultimate destination is the purchase of slave-cargoes.

I have, &c.
(Signed) CHARLES CLARKE.

The Right Hon. Viscount Palmerston,
&c. &c. &c.

No. 159.

Her Majesty's Commissioners to Viscount Palmerston.

Havana, May 15, 1841.
(*Received July* 2.)

MY LORD,

MR. TURNBULL having been desired by your Lordship, in the Despatch to him of the 4th of March last, to concert with us as to the best means of

carrying into effect the wishes of Her Majesty's Government respecting the negroes emancipated here under the Treaty of 1817, that Gentleman wrote to us on the 4th instant, suggesting the propriety of an interview, which in our answer of the same date we named for the 6th. On that day accordingly Mr. Turnbull waited on us, and we agreed to a Minute (Enclosure No. 3) as to the terms on which we should address the Captain-General in respect of the emancipados, informing his Excellency that we had received Copies of Instructions from your Lordship to Her Majesty's Minister at Madrid, demanding these emancipados to be delivered up, to be sent, if they chose it, to a British Colony; and also that we had received directions to make the preliminary arrangements for that purpose. We thought, therefore, that we should be acting in conformity with these directions, in requesting his Excellency to direct that the emancipados referred to should be brought before the Mixed Commission, for the purpose of ascertaining their present numbers and condition. This request we accordingly made to his Excellency, in our letter dated the 7th instant, Enclosure No. 4, to which his Excellency in his answer of the same date replied, that the matters evidently referred to questions yet pending between the two Governments, and that whenever these questions were settled and instructions received, he would faithfully fulfil them.

We have, &c.,

(Signed) J. KENNEDY.
CAMPBELL J. DALRYMPLE.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

First Enclosure in No. 159.

Mr. Turnbull to Her Majesty's Commissioners.

GENTLEMEN, *Havana, May* 4, 1841.

I HAVE the honour to acquaint you that I have this day by the Packet received Despatches from Viscount Palmerston approving of the communication I made to you on the 4th of January last, respecting the emancipated negro Gabino, and desiring me to concert with you the best mode of carrying into effect the wishes of Her Majesty's Government on the subject of the removal to a British Colony of the whole of the surviving emancipados.

In furtherance of the object of this instruction, I take the liberty of suggesting the propriety of a personal interview; and if you will be good enough to signify the time and place when you yourselves are to be together, and can conveniently receive me, I shall do myself the honour of waiting on you.

I have, &c.

Her Majesty's Commissioners, (Signed) D. TURNBULL.
&c. &c. &c.

Second Enclosure in No. 159.

Her Majesty's Commissioners to Mr. Turnbull.

SIR, *Havana, May* 4, 1841.

WE have the honour to acknowledge the receipt of your letter of this date, informing us that you have received Despatches from Lord Palmerston approving of the communication made to us on the 4th of January last, respecting the emancipated negro Gabino, and desiring you to concert with us the best mode of carrying into effect the wishes of Her Majesty's Government on the subject of the removal to a British Colony of the whole of the surviving emancipados. In furtherance of the object of this instruction, you state you suggest the propriety of a personal interview, and request us to signify the time and place when we can conveniently receive you, and you will do yourself the honour of waiting on us.

In answer we have to observe that we also have received from Lord Palmerston copies of the Despatches addressed to you dated the 4th of March last on this subject, from one of which we perceive that his Lordship "desired you on the receipt of it to wait upon us and concert with us the best mode of carrying into effect the wishes of Her Majesty's Government on this subject, so that we may place ourselves in communication with the authorities of Cuba, and make the preliminary arrangements by which the negroes liberated under the Treaty of 1817 may be brought before the Mixed Commission, to be ultimately disposed of by you according to the intentions of Her Majesty's Government."

In accordance with these directions and your request, we beg to say that we propose meeting at our Office on Thursday next the 6th instant at 1 o'clock, when we shall be prepared to concert the best mode of carrying the wishes of Her Majesty's Government into effect, so that we may put ourselves in communication with the Authorities of Cuba, and make the preliminary arrangements by which the

negroes liberated under the Treaty of 1817 may be brought before the Mixed Commission, to be ultimately disposed of by you according to the intentions of Her Majesty's Government.

We have, &c.
(Signed) J. KENNEDY.
C. J. DALRYMPLE.

Mr. Turnbull,
&c. &c.

Third Enclosure in No. 159.

Minute.

WE the undersigned having this day, the 6th of May, 1841, met in obedience to the instructions received from Lord Palmerston, to concert the best means of carrying into effect the wishes of Her Majesty's Government with regard to the negroes liberated by decrees of the Mixed Court of Justice at this place, under the Treaty of 1817, are of opinion that the Commissioners should address a letter to the Captain-General, informing him of our having received Despatches from the British Government, stating that the British Government had demanded from the Spanish Government instructions to be sent out to Cuba, directing all the survivors of the negroes emancipated by decree of the Mixed Court, under the Treaty of 1817, to be brought before the Mixed Commission and interrogated whether they preferred to remain in Cuba or to be sent to a British Colony, and in case of their preferring the latter alternative, to be then delivered over to Her Majesty's Superintendent, to be removed according to his instructions. Under these circumstances, feeling assured that his Excellency will acknowledge these emancipados to be entitled to the fullest possession of that freedom which the several sentences of the Mixed Court in their respective cases decreed them, we have to request that his Excellency will give immediate orders for their being brought before the Mixed Court, for the purpose of ascertaining their present numbers and condition.

(Signed) J. KENNEDY.
C. J. DALRYMPLE.
D. TURNBULL.

Fourth Enclosure in No. 159.

Her Majesty's Commissioners to the Captain-General.

MOST EXCELLENT SIR, *Havana, May* 7, 1841.

WE have the honour to inform your Excellency that we have received Despatches from Her Britannic Majesty's Government, stating that Her Majesty's Government had repeated their demands on the Government at Madrid for instructions to be sent out to Cuba, directing all the survivors of the negroes emancipated by decree of the Mixed Court of Justice, under the Treaty of 1817, to be brought before the Mixed Commission and have the alternative allowed them of remaining in Cuba or of being sent to a British Colony, at their option; and in case of their preferring the latter alternative, to be then delivered over to Her Majesty's Superintendent of Liberated Africans, to be removed according to his instructions.

Under these circumstances, feeling assured that your Excellency will acknowledge these emancipados to be entitled to the fullest possession of that freedom which the several sentences of the Mixed Court in their respective cases decreed them, we beg respectfully to request that your Excellency will give immediate orders for their being brought before the Mixed Commission for the purpose of ascertaining their present numbers and condition.

We have, &c.
(Signed) J. KENNEDY.
C. J. DALRYMPLE.

His Excellency the Captain-General,
&c. &c. &c.

Fifth Enclosure in No. 159.

(Translation.) *The Captain-General to Her Majesty's Commissioners.*

GENTLEMEN, *Havana, May* 7, 1841.

I HAVE received the communication which you were pleased to address to me under this day's date, informing me of the desire which Her Britannic Majesty's Government has reiterated to that of Her Catholic Majesty, to ascertain the wishes of the negroes emancipated by decrees of the Mixed Court of Justice, in accordance with the Treaty of 1817, as to their remaining in this Island, or being removed to an English Colony; and concluding by soliciting me to issue immediate orders for their presentation before the said Mixed Commission, for the purpose of ascertaining their actual number and condition.

It is to be inferred, from your above-mentioned attentive communication, that this subject is not yet concluded between the two governments, and in consequence that I am necessarily in want of the indispensable instructions to act upon in this affair, in any other way than has been observed until the present time, in compliance with existing regulations. As soon as I shall receive them from my government I will enter upon their most exact fulfilment with all the zeal and efficiency required by my duty and my principles regarding the faithful observance of the end to be attained by the stipulations.

With this understanding I have the satisfaction of assuring you of my personal consideration, and I pray God to preserve your lives many years.

(Signed) GERONIMO VALDES.

Her Majesty's Commissioners,
&c. &c. &c.

Sixth Enclosure in No. 159.

Her Majesty's Commissioners to Mr. Turnbull.

SIR, *Havana, May* 10, 1841.

HAVING addressed an official letter to the Captain-General on the 7th instant, in the terms of the minute of the 6th, we have received from his Excellency the following reply.

[See letter preceding.]

(Signed) J. KENNEDY.
CAMPBELL J. DALRYMPLE.

D. Turnbull, Esq.,
&c. &c.

(Extract.) No. 160.

Her Majesty's Commissioners to Viscount Palmerston.

Havana, May 22, 1841.
(*Received July* 2.)

SHORTLY after the Captain General's arrival on the 7th March last, he publicly declared to a number of persons concerned in the Slave Trade, whose wealth gave them admittance to the government-house, that he was determined to put the treaty into strict execution. He had, at our being presented to him, declared that determination to us, though, as the same promises had been held out by all his predecessors, and flagrantly broken, we laid no stress on such professions. But from the manner in which he addressed the slave-dealers, and the consternation his address and conduct inspired, we were enabled to hope that his promises would be faithfully observed. At the same time we must in candour detail the full report of his address to the slave-dealers, telling them that, as the illicit traffic had been certainly connived at by his predecessors, he would in the same manner connive at all adventures that had now actually proceeded hence, but he would not permit any further adventures to be made, and all vessels arriving after six months should be certainly seized and confiscated.

(Extract.) No. 161.

Her Majesty's Commissioners to Viscount Palmerston.

Havana, May 25, 1841.
(*Received July* 2.)

SOME few days since, a vessel, with about 440 negroes on board, came off the coast, and attempted to land them near Mariel, when the captain of the "*Partido,*" acting upon orders from the Captain-General, had them immediately seized, and they were yesterday evening brought in here, in the "Almendares" steam-vessel, by an armed Spanish force, remaining of course under the charge of the local government. Of their further disposal we hope we shall be able to afford your Lordship equally satisfactory information in a future despatch.

No. 162.

Her Majesty's Commissioners to Viscount Palmerston.

Havana, May 25, 1841.

MY LORD, (*Received July* 2.)

DURING the last month the following vessels arrived here with Africans as slaves:—

12th April. Portuguese brig "*Tres de Febrero,*" having a few days previously landed 636 on the coast, consigned to Mazorra.
17th „ Portuguese schooner "*Pampero*" from Rio Congo, having a few days previously landed at Mariel 457, consigned to M. Forçade.
20th „ Portuguese brig "*Gabriel,*" from Gallinas, landed at Haruja 344 belonging to Manzoneda.

In the month there appears to have been only one vessel cleared out for the coast of Africa, which having been despatched "by the captain," and not by any recognised house in the city, may probably have taken out stores for the trade.

7th April, French ship "*L'Amelie*" for Goree, besides which, however, there may have been others despatched hence for Africa, though ostensibly for other destinations, as we observe one, under the usual suspicious circumstances, despatched in this manner on the 3rd of April, Portuguese schooner "*Paz*" for Buenos Ayres.

Two vessels that were about going to the coast of Africa, intended for Slave Trade, have, we are credibly assured, been directly stopped by order of the new Captain-General, and strict orders have been given to close the public barracones. Another circumstance, showing the state of the trade, we think particularly deserving of being mentioned. Spanish dollars, which in former years at this season have been always at 8 and 9 per cent. premium, on account of their being the only medium of barter at Mozambique, are now at par, notoriously on account of all communication with that country being stopped. We feel therefore on every consideration warranted in expressing our conviction that the present Captain-General is sincerely determined to put an end to the Slave Trade.

We have, &c.

(Signed) J. KENNEDY.
CAMPBELL J. DALRYMPLE.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

No. 163.

Viscount Palmerston to Her Majesty's Commissioners.

GENTLEMEN, *Foreign Office, July* 26, 1841.

I HEREWITH transmit to you for your information a copy of a Despatch from Her Majesty's Envoy at Madrid, enclosing a note from the Spanish minister, announcing that the Marquis de Esteva has been appointed judge in the room of the Conde de Fernandina in the Mixed Court of Justice of which you are members, and that the Brigadier Don Francisco Illas has been appointed arbitrator in the room of Brigadier Don Juan Montalvo y O Farrill. And I have to desire that you will admit these gentlemen as Commissioners with you in the Mixed Court of Justice after they shall have taken the usual and proper oaths of office.

I am, &c.

Her Majesty's Commissioners, (Signed) PALMERSTON.
&c. &c. &c.

Enclosure in No. 163.

Mr. Aston to Viscount Palmerston. Madrid, July 10, 1841.

(See Class B.)

No. 164.

Viscount Palmerston to Her Majesty's Commissioners.

GENTLEMEN, *Foreign Office, July* 31, 1841.

I HAVE received your Despatch of the 5th of May last, and of the 15th of the same month, respecting the negroes emancipated at the Havana under the Treaty of 1817. I approve of the steps which you have taken, in concert with Mr. Consul Turnbull, for carrying the instructions of Her Majesty's Government into effect upon this point. And I herewith transmit to you, for

your information, a copy of a Despatch which I have this day addressed to Her Majesty's Envoy at Madrid upon the subject.

I am, &c.

Her Majesty's Commissioners, (Signed) PALMERSTON.
&c. &c. &c.

Enclosure in No. 164.

Viscount Palmerston to Mr. Aston, July 31, 1841

(See Class B.)

No. 165.

Viscount Palmerston to Her Majesty's Commissioners.

GENTLEMEN, *Foreign Office, July* 31, 1841.

I HAVE received your Despatch of the 22nd of May last, with its Enclosures, upon the subject of the assurances given by the Captain-General of Cuba, that he was determined to carry into effect the stipulations of the Treaty between Great Britain and Spain upon Slave Trade.

And I have to observe to you that the sincerity of General Valdes in his declared intention of putting down Slave Trade will by this time have been proved by the result. No doubt can be entertained that he has a power of putting a stop to it if he will: if the Cuba Slave Trade has ceased, General Valdes will have proved himself sincere: if that trade still continues, he will have demonstrated that his professions are all as hollow and valueless as those of all his predecessors.

I am, &c.

Her Majesty's Commissioners, (Signed) PALMERSTON.
&c. &c. &c.

No. 166.

Viscount Palmerston to Her Majesty's Commissioners.

GENTLEMEN, *Foreign Office, July* 31, 1841.

I HEREWITH transmit to you a copy of a Despatch and of its Enclosures, which I have received from Her Majesty's Consul at the Havana, respecting his communications to the Captain-General of Cuba upon the subject of Slave Trade.

I transmit to you likewise, for your information and guidance, a copy of the instruction which I have addressed to Her Majesty's Consul in reply.

I am, &c.

Her Majesty's Commissioners, (Signed) PALMERSTON.
&c. &c. &c.

Enclosures in No. 166.

1. *Mr. Turnbull to Viscount Palmerston, May* 26, 1841.
2. *Viscount Palmerston to Mr. Turnbull, July* 31, 1841.

(See Class B.)

No. 167.

Her Majesty's Commissioners to Viscount Palmerston.

Havana, June 3, 1841.
(*Received July* 31.)

My Lord,

We have the honour to enclose to your Lordship a translation of a memorial, forwarded hence to the Provisional Regency of Spain, by the Junta de Fomento at this place, or Board for the Promotion of Agriculture and Commerce in the Island of Cuba. This Board is in some measure connected with the local Government, inasmuch as the Intendent-General is the constituted perpetual president, but it is composed (besides its officers) of 12 members, with 12 assistants, to act each on the part of one of the principals in his absence, if necessary. These persons are nominated for two years, and chosen by their predecessors in office, so as to preserve a uniformity of opinions and a continuity of proceedings in their undertakings. The members are chosen from among the principal merchants and planters, and indifferently from Spaniards or foreigners; and as, of course, nothing can be undertaken without the sanction of the president, whatever question is adopted by the Board assumes somewhat of an official character.

The memorial enclosed appears to have been drawn up in consequence of some publications which have appeared at Madrid, advocating the abolition of slavery, and ascribed here to a native of this island at present in Spain, Don Ramon de la Sagra, who has published a work in folio, of considerable pretensions, on the history natural, as well as political, of Cuba. To the mooting of the question of emancipation of their slaves the memorialists declare themselves most decidedly opposed, as dangerous to the well-being of the inhabitants of the island; and they even insinuate a threat of resistance on their part if such discussions be permitted. At the same time, they profess themselves opposed to the Slave Trade, and prepared to acquiesce in its full extinction, provided the Government will carry into effect a system of colonization of whites, at the public expense, and under their superintendency.

How far, however, their professions with regard to the Slave Trade can be relied on may be judged by their defence and commendation even of the state of slavery in the island, and by their unmeasured vituperation of English policy relative to it, especially to that part of it by which Commissioners are appointed for the purpose of carrying the provisions of treaties into effect.

The prayer of the memorial has reference to four considerations as the groundwork of their representations. First.—To repress the freedom of the press at Madrid on the subject of slavery. Second.—To confine future negotiations on the subject with England to the principle of non-intervention, and that the English Commissioners now residing here be removed to exercise their functions to a place where they will be less prejudicial to the peace and well-being of the public. Third.—For the complete abolition of the Slave Trade, but that a plan of colonization of whites be at the same time decreed, confided to their charge, the expenses of which shall be defrayed from the revenues of the island before all other outlays. Fourth.—That the inhabitants would prefer any extremity rather than submit to the granting of freedom to the slaves, which measure they consider calculated to result in the loss of the island, to losing their property, endangering their lives, and subjecting them to the power of the blacks. That there were many persons in the island holding these opinions we were fully prepared to believe, but that there could be found any of the class of the present memorialists ready so boldly to express them we could not have imagined. The signatures (headed by the Conde de Villanueva, president) are those certainly of persons of the first consideration, and the document itself is said to have been drawn up by the honorary secretary, Don Antonio de Escovedo, who is one of the most active members of this community, and has since been created the Conde de Puente. These considerations, therefore, give an importance to the paper which otherwise its arguments and assertions might not deserve, and call for a proportionate notice from us in reply.

The fallacies employed for arguments in defence of the system of slavery, from the condition of the African in his own country or in this, we will not stop to consider; but the assertion that the slaves prefer remaining here to returning,

we must, as far as our experience allows, deny. We have taken advantage of every opportunity in meeting with introduced negroes intelligent enough to be conversed with on the subject, and have uniformly found them express a decided preference for their native country. Indeed it is a well-known fact that many of this class who have acquired as much as they consider wealth have returned to Africa, though it is said with uniformly evil results, having been often murdered, and always robbed of their gains on their return. This must be expected to be the case in such an unsettled state of society, constantly undergoing a change, if for no other cause than from the inroads of the slave-dealers, and therefore no favourable conclusion can be drawn for slavery from the effect. Neither will we enter upon the other deduction for slavery, from the kindly treatment which the slaves are said to receive. The fact, as a general rule, we deny; at the best they are treated not kindly, but capriciously. In the houses of the rich and the easy-tempered they may, no doubt, live easily, and be treated as any favourite domestic animal; but in the houses of the less wealthy, that is to say, in the immense majority of cases, and on the plantations under the overseers, they are treated in no other way than as beasts of burthen, and have no other consideration than that of their value.

With such compulsory aid it can be no matter of surprise that this community should be so flourishing. The great consideration is that, in addition to their rich and almost virgin soil, their very system of slavery is a robbery, not only of the services of their slaves, but also a sort of wrong towards other planters who cannot have the same advantage of compulsory labour, and therefore cannot compete with them in open markets. Labour here is in such demand that the wages of one day may suffice for the wants of the negro during a week, considering how little clothing is required, and what little shelter is necessary in a climate where people may almost be said to live in the open air. No wonder, then, that beggars are scarcely to be met with, and that trade may be flourishing, for it is almost in the nature of a monopoly. The question will be, whether this monopoly should be continued to the planters here with its present immense profits, at the expense of violating all the rights of humanity, and all the faith of treaties, by their determined adhesion to the Slave Trade.

But the memorialists profess a desire for the abolition of the Slave Trade by such means as shall be compatible with national honour, and coincident with a plan of colonization of whites, the expenses of which are demanded to be defrayed from the public revenues. This is manifestly unjust: for, if the planters require labourers, it is but right they should defray the expenses of obtaining them by lawful means; and no state would be acting wisely in interfering with the pursuits of its subjects, by giving up to a portion of them the labours of another portion, at the public expense. The memorialists, therefore, could scarcely have put forward this proposition in good faith, as they could scarcely expect it could be acceded to.

Still less can we suppose them acting in good faith in seeking to remove the British Commissioners from this place to exercise their functions elsewhere. If the Slave Trade be honestly and effectually suppressed, the functions of the Commissioners will be in abeyance, and their presence innocuous. If, however, it is still to be connived at, no wonder that their presence, operating as a check, as undoubtedly it does, on the trade, and a continual protest on the rulers who share in its profits, should be so peculiarly repugnant. There can be no doubt that the very presence of the Commissioners tends much to keep down the character of the system, and to induce the local Government to such pretended observances of laws and treaties as must lower them in their own estimation, no less than in that of the community. As an instance against them the memorialists state, that "the Commissioners had lately urged the Government to pay domiciliary visits to country-houses in the vicinity of the city, in which they supposed there were negroes recently brought from Africa." This refers to the denunciation we made of negroes being in the barracones of Misericordia and San Antonio el Chiquito, which we reported to your Lordship in our Despatch, dated the 5th of March last. One of these barracones was, we understand, in the summer months occupied by Mr. Forçade and family, and this is the only pretence for such a term being applied to barracones of notorious character, and at that time carried on in a manner so flagrantly scandalous as to excite even the indignation of the Creoles. The author of this memorial is not, as far as we have heard, in any way engaged in

the illicit traffic; but, taking an active part in several public works, and especially the railroad to Guines, upon which a very great number of emancipados and slaves are employed, he is unquestionably much interested in the continuance of the present system, in all its bearings. No wonder, then, that he should use every means to induce his brother planters to join him in his attempts to uphold it, by working, not only upon their interests in its behalf, but also on their fears. For this purpose he holds up to them the alarming consideration of those publications at Madrid, and the policy of the English Government, having a tendency to cause the loss of the island, or at least of their property, to endanger their lives, and to render them subject to the power of the blacks.

This apprehension we cannot believe any class of whites in the island seriously entertain. There is no computation of numbers of the two races that makes one exceed the other more than as 11 to 10, or as being nearly equal, while there is no half-caste population in any number to constitute danger; so that without arms, as the blacks are kept, or means of entering into combination, or intelligence to act in concert, it is impossible to suppose that the whites can have any reasonable fear of losing their lives or property, or being made in any way subject to the power of the blacks.

These considerations, which we submit to your Lordship, are of a public character. We have only one more to submit, of a personal nature, as referring to ourselves, namely, the satisfaction we feel in finding that with every manifest inclination to gather together causes of complaint, and without scruple to exaggerate even such grounds of argument as they possess, the memorialists could not, while petitioning for our removal, accuse us of any other offence than that of having urged the local Government to pay domiciliary visits to places where we were well assured of newly-introduced Africans being to be found. In the performance of this duty, whatever it might appear to be in their eyes, we rejoice to receive an admission therefore, as from the hand of an enemy, that no other allegation can be produced against us, and that not even this one could be charged, as accompanied with any excess of our duties, or with any infringement of that respect to the local authorities which, under our instructions, we have been always most anxious to observe.

In addition to this memorial we have also the honour to enclose one from the Ayuntamiento, or City Corporation of the Havana, to the Provisional Regency on the same subject, as deprecatory of any discussion of the subject of emancipation, which memorial, however, is expressed in terms not calling for any particular remark. Besides these there have been other memorials forwarded from the Tribunal de Comercio, and other parties, which, as bearing the character of proceeding from individuals, and not being of the same official nature as the others, we do not enclose, as not requiring your Lordship's attention.

We have, &c.

(Signed) J. KENNEDY.
CAMPBELL J. DALRYMPLE.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

First Enclosure in No. 167.

Memorial of the Junta de Fomento to the Provisional Regency of the Kingdom.

(See Enclosure in Mr. Consul Turnbull's Despatch dated Havana, May 25, 1841, Class B.)

Second Enclosure in No. 167.

Memorial of the Corporation of the Havana.

(See Enclosure 2 in Mr. Consul Turnbull's Despatch above quoted.)

No. 168.

Her Majesty's Commissioners to Viscount Palmerston.

Havana, June 5, 1841.
(*Received July* 31.)

MY LORD,

IN our Despatch, dated the 25th of May last, we reported our having addressed a communication to the Captain-General in respect of a vessel under Portuguese colours named the "*Paquete de Oporto,*" which was said to have landed 250 negroes a short time previously at Guanima. We have now the honour to enclose the answer of the Captain-General, stating that upon examination made in that district, and from a strict search, on the vessel's arrival here, both of the vessel and her papers, no suspicions whatever arose of such an offence having been committed as alleged. We, having no further information on which we could rely than what was repeated in our communication, had no alternative than to receive as in good faith His Excellency's answer. It is possible that the negroes might have been brought for some particular plantation on the south of the island, and thus not have been heard of in the Havana market.

His Excellency at the same time informed us of a letter he had received from Mr. Turnbull of the 24th of May, in which Mr. Turnbull stated that at the time of his writing the signals at the Moro' were announcing the arrival of the "*Aguila,*" after landing a large cargo of Africans; the fact being that the "*Aguila*" had some days previously been totally wrecked at Cabañas, and the negroes seized by the authorities of the district. Respecting this vessel and her cargo we beg to refer your Lordship for further particulars to a subsequent Despatch.

We have, &c.
(Signed) J. KENNEDY.
CAMPBELL J. DALRYMPLE.

The Right Hon. Viscount Palmerston, G.C.B.,
&c. &c. &c.

Enclosure in No. 168.

(Translation.) *The Captain-General to Her Majesty's Commissioners.*

Havana, May 30, 1841.

GENTLEMEN,

IN my letter of the 23rd instant I informed you of my having given orders the most efficacious for investigating what was the fact respecting the denunciation made by the Consul of Her Britannic Majesty, as to the disembarkation of 250 Africans, which he said had been effected at Guanima, from the Portuguese brig "*Paquete de Oporto.*"

Neither from the examinations taken by the authority of that district, nor from the strict search made of the vessel and her papers in the act of having notice of her entering this port, does there appear any suspicion of her having committed such an offence; and the proofs of this which the official documents before me afford, convince me that the agents of the Consul have abused his excessive credulity relative to this class of notices, committing him to this and other errors into which he frequently runs. A very recent proof of this truth is a communication of the 24th instant, in which he says among other things "at the moment in which I write, the signals at the Moro' announce the arrival of the '*Aguila,*' another slaver, after having landed a large cargo on the coasts of the island:" the fact being that this vessel had been broken to pieces some days before opposite Cabañas, and the negroes it brought detained at my disposal.

Of which I inform you, gentlemen, in continuation of my said official letter, and repeating to you with this opportunity my personal considerations.

God preserve you many years.
(Signed) GERONIMO VALDES.

Her Majesty's Commissioners,
&c. &c. &c.

(Extract.)

No. 169.

Her Majesty's Commissioners to Viscount Palmerston.

Havana, June 18, 1841.
(*Received July* 31.)

THERE appear to have been about 7040 Africans emancipated under the Treaty of 1817 delivered over to this Government, of whom 1207 were

sent hence to the British island of Trinidad, under the special agreement on the subject. Consequently there remain about 5,800 emancipados to be accounted for. Considering that in many of the cargoes virulent diseases prevailed on their arrival, the effects of which continued to occasion considerable mortality afterwards, and that the Asiatic cholera prevailed here from 1832 to 1835 with peculiarly evil results to the coloured population, we are prepared to believe that not more than half of the Africans emancipated may after so many years elapsed be now surviving. But when we consider that of the survivors many have been by the Assignees put in the place of their other slaves who had died, or have been otherwise trepanned into positive slavery, we doubt whether more than 2000 emancipados, or one-third of the original number, may be looked for as probably to be produced. Supposing there are so many produced, it will be difficult to judge what proportion would accept the option of being removed to a British colony. Many have no doubt formed ties and associations from which they would not wish to be severed; and though all would prefer liberty here, in a community to which they have become accustomed, and the language of which they have acquired, rather than remain in their present state, yet they might not understand the superior liberty they would possess in a British colony, of which they may have heard imperfect, or perhaps even false accounts. Several hundreds of the emancipados we know remain under the immediate power of the Government, labouring on the public works, and these at least, we consider, should be unreservedly delivered up, or put in possession of that freedom which the Treaty contemplated.

We submit these considerations to your Lordship's judgment, only further adding that in our first audience with the present Captain-General, his Excellency observed that he did not apprehend there could be any difficulty in acceding to the wishes of Her Majesty's Government to have these emancipados sent to a British colony. We therefore trust that we may soon receive under your Lordship's auspices peremptory orders for as much measure of justice to be awarded as can be obtained for these unhappy victims of the Slave Trade, for whom British exertions have been made and treasure expended hitherto in vain.

No. 170.

Her Majesty's Commissioners to Viscount Palmerston.

Havana, June 21, 1841.

MY LORD, (*Received July* 31.)

DURING the last month, we believe, the following was the only vessel that sailed hence, intended for Slave Trade: despatched

May 12, for Monte Video, Portuguese brig "Escorpion," by the captain.

The plan of despatching slave-vessels thus, ostensibly for places in South America, appears to be now considered a necessary part of the system, not only for the purpose of maintaining a decent appearance before the public, but also to escape the rigour of the Captain-General's orders to prevent such vessels sailing for the coast of Africa. The officers of the port, who are not to be expected to prove very zealous in their obedience to these orders, will unquestionably pass these vessels despatched ostensibly for South America, as if there were no doubt of their destination for the ports designated.

Of the vessels that arrived here during the month from the coast of Africa, we have reports of the following:—

May 3. Portuguese brig "*Trueno*," formerly the Spanish brig "*Irene*," with upwards of 400 negroes, consigned to P. Martinez and Co.

„ „ Portuguese schooner "*Paquete de Oporto*," said to have landed 250 negroes at Guanimar.

„ 20. Portuguese brig "*Aguila*," wrecked off Cabañas, with about 450 negroes, of whom upwards of 30 perished. The last two mentioned vessels form the subjects of previous Despatches.

Your Lordship may observe that the slave-vessels now uniformly sail under the Portuguese flag; and it may be a question whether some punishment ought not to be inflicted for the adoption of it by persons who have no right to assume it. An official notice from the Government has recently been promulgated here, communicating a Despatch from Her Faithful Majesty, that, not considering the commercial relations between Portugal and this island to require any agent here at present, Her Majesty revokes the permission given provisionally by Captain-General Ezpeleta to Don Pascual Pluma to act as Portuguese Consul at this place.

We think it deserving of mention that the naval force of this island has, within the last month, been increased by the addition of two steam ships-of-war, of about 615 tons each, and 180-horse power, mounting each five guns; so that we trust there will no longer be any pretext of insufficiency of power to protect the coasts from the landing of slaves.

We have, &c.

(Signed) J. KENNEDY.
CAMPBELL J. DALRYMPLE.

The Right Hon. Viscount Palmerston, G.C.B.,
&c. &c. &c.

No. 171.

Her Majesty's Commissioners to Viscount Palmerston.

Havana, June 26, 1841.
(*Received July* 31.)

My Lord,

We have the honour to submit to your Lordship the case of the slave-vessel "*Aguila*," which has been brought before the consideration of the Mixed Court of Justice at this place, at the especial instance of his Excellency the Captain-General of the Island, and of which we gave your Lordship notice in our Despatch dated the 25th of May last.

It appears that on the 20th ultimo, this vessel, under Portuguese colours, on coming near the coast got on some shoals near the small port of Cabañas, which is 16 leagues from this place, where she was totally wrecked. The crew are supposed to have all got safely on shore and escaped, but about 30 negroes are said to have been drowned out of the cargo, which consisted of about 450. The remainder, 413 in number, were immediately seized by the carbineers of the Real Hacienda, a species of custom-house officers, under the Intendent-General, who had duly passed to them, as had also been passed to all the other inferior authorities of the island, strict orders from the Captain-General to put the laws for the abolition of the Slave Trade into full execution.

On this seizure being reported to the Intendent, and by him to the Captain-General, his Excellency sent the steam-vessel "General Tacon" for the negroes, in which they were brought here, and put into one of the barracones, now happily otherwise unoccupied, named Misericordia. Meanwhile his Excellency desired one of his law-officers to make a Report to him of the case, and give his opinion as to the steps which should be taken respecting it. Of this opinion, with his Excellency's letter to the Mixed Court consequent upon it, we enclose your Lordship translations, from which your Lordship will observe that after a summary report of the case, the Assessor-General advised it should be referred to the consideration of the Mixed Court, which advice the Captain-General acceded to. This was in accordance with a general Spanish rule of referring cases to tribunals which might claim jurisdiction, without prejudice, however, as an admission of right in making the reference.

Under these circumstances the Court met on the 29th of May last, when, it appearing that neither the vessel nor the negroes had been detained by parties duly provided with instructions under the Treaty to detain slave-vessels, that the wreck moreover was purely accidental, not consequent upon any chase at sea, and that the seizure was made for the first time on shore by the authorities of the country, acting under the orders of the local Government, the Court came to an immediate decision that it possessed no jurisdiction, and was not

empowered to adjudicate in the case, which was one solely to be dealt with by the laws of the country. Of the judgment based on this decision we also enclose your Lordship a Copy, and consider we need scarcely add, that it is in strict accordance with all the cases which have been decided by the Mixed Courts of Justice, requiring the detention to be made not only on the high seas, but also by especial vessels of war provided with instructions for that purpose. The Treaty never contemplated interfering with the internal laws and government of any country, or empowering the Mixed Courts to interfere in such cases.

There are several precedents in the volumes of Slave Trade Papers resembling the above, of which as the most in point we will refer to the case of the "*Carlota*," a Spanish slave-vessel, chased on shore by His Majesty's schooner "Nimble," and totally wrecked on the 30th of October, 1834. The crew with about 70 negroes escaped on shore, but the remainder were brought to Havana, and the survivors were decreed entitled to their emancipation by the Mixed Court. Shortly afterwards the crew and the negroes they took on shore were seized by the local authorities, and by the Captain-General, Tacon, were put at the disposition of the Mixed Court, which however declined to adjudicate respecting them, on the especial ground of their having been taken by the civil powers. This decision was approved of in your Lordship's Despatch of the 26th of June, 1835, conveying the Advocate-General's opinion on the subject, and is so much stronger than the case of the "*Aguila*," inasmuch as the wreck of the last vessel was purely accidental, and not, as with the "*Carlota*," in consequence of a chase, which might be supposed to have given the capturing cruizer the right of considering full prize all that the vessel had on board at the time of the chase.

In the Assessor's Report your Lordship will observe it asserted that the captain and crew escaped with all the papers relative to the vessel wrecked, so that nothing was known respecting her character further than that she was under the Portuguese flag. That this escape was collusive there can be no doubt, and that further evidence respecting the vessel might have been forthcoming, we can have as little; but where we were stopped at the outset by not being empowered to enter on the inquiry, we could not think it right to pursue it for collateral purposes, especially when finding the authorities in so unusual a degree ready to act with a due regard to the fulfilment of the Treaties between the two countries. Had a similar disposition been shown and course adopted with regard to the slave-vessel which fired upon the boat of Her Majesty's sloop "Rover," in March, 1840, wounding the lieutenant and every individual but one in the boat more or less severely, that outrage would not as to this day have remained without redress. We hail, therefore, this case as an omen of better faith intended to be kept with the British Government.

Had the Mixed Court, however, been empowered to adjudicate respecting the negroes of the "*Aguila*," by the provisions of the Treaty, it could only have decreed that they should be delivered over to the Spanish Government "to be dealt with according to the regulations and conditions contained in the Annex to the Treaty of 1835, *sub literâ* C." We therefore thought it right to address a letter to the Captain-General, suggesting to his Excellency that, though the Mixed Court was not empowered to adjudicate in their case, yet, as the negroes remained at his Excellency's disposal, they might be dealt with, if his Excellency pleased, in the same manner as if they had been liberated by decree of the Court, namely, according to the regulations and conditions contained in the Annex C. to the Treaty.

To this letter his Excellency returned an answer addressed to the Mixed Court, as if our letter had proceeded from the Mixed Court, and in terms which, coupled with opinions lately loudly expressed, that the British Commissioners had no other powers than as Members of the Court, induced us to believe that the address was so made advisedly. We, therefore, thought it right to address another letter to his Excellency, explaining that the former letter was written by us, not as Members of the Court, but in our character of Commissioners from Her Britannic Majesty, in which character we were intrusted with distinct and ministerial duties, to correspond and regulate with the local government respecting all matters arising that might affect the execution of the Treaties, or the understanding between the two high contracting powers on the subject of the Slave Trade.

To this letter his Excellency returned an answer, fully recognizing the principle we had maintained, and stating that his former letter had been addressed to the Mixed Court by mistake instead of to us. As his Excellency further informed us that he had ordered a register to be made of the negroes, and adopted other measures, conformably in substance to the directions of the Treaty, we felt great satisfaction in the result of the correspondence.

We have, &c.
(Signed) J. KENNEDY.
CAMPBELL J. DALRYMPLE.

The Right Hon. Viscount Palmerston, G.C.B.,
&c. &c. &c.

First Enclosure in No. 171.

(Translation.) *The Captain-General to the Judges of the Mixed Court of Justice.*

Civil and Military Government of the Havana.

Havana, May 28, 1841.

In conformity with what the Third Assessor-General has advised me, I enclose to you his opinion consequent on the summary process taken in investigating the matter respecting 413 negroes who have been detained by the carbineers of the Real Hatienda, in order that you may pronounce your judgment thereon agreeably to the Treaty, hoping from the goodness of the tribunal all the despatch possible of the business, on account of the excessive expense which the sustenance and care of the said negroes is causing the Government.

God preserve you, Gentlemen, many years.
The Judges of the Mixed Court of Justice, (Signed) GERONIMO VALDES.
&c. &c. &c.

The Third Assessor-General to the Captain-General.

Most Excellent Sir, *Havana, May* 27, 1841.

The 413 negroes of both sexes and different ages who have been forwarded from the port of Cabañas to your Excellency's disposal, by the Lieutenant Colonel Don Joaquin Calvino, aide-de-camp of your Excellency, commissioned to form this summary in consequence of the official letter of his Excellency the Intendent-General, of the 22nd instant, accompanying another from the commander of the carbineers of the same date, in which is inserted the report of the serjeant at Mariel and the officer at Cabañas, Don Juan Lunar, dated the 21st, were taken by virtue of the orders previously given by your Excellency, and circulated among them, to put down, according to the Treaty of 1835, the detestable traffic in negro slaves, and they came from a brigantine under the Portuguese flag, which was wrecked in the mouth of the said port, and whose remains lie opposite the tower of Cabañas; the captain and other officers of this vessel do not appear, nor any of the crew, nor is the consignee known, nor if there was any other than the captain himself, nor are there any claims made in respect of the detention of the remnants of the vessel, and seizure of the negroes brought in and taken from it, although it is well known and made very public, the conducting of those negroes here in the steamboat "General Tacon," and their being under the orders of this Government, which is maintaining them at its expense, until it can form a proper determination. Such being the actual state of the matter, I am of opinion that your Excellency should be pleased to give orders to the commander of the fort at Cabañas, that he take the necessary measures for the preservation of the remnants of the brigantine, according to the charge given him by the aide-de-camp commissioned by your Excellency, and to direct him further, that if he has not already taken a survey, then that he immediately institute a survey by two skilful persons, who may be mates of merchant vessels, and in defect of them masters of coasters or other intelligent persons, that he may find in the said port, and receive their declaration and send the whole arranged with the utmost brevity; and without prejudice to this proceeding, to determine if it appertain to the Mixed Court of Justice, to send the original of this report, in order that in fulfilment of its powers it may make a declaratory proceeding conformably to the Treaty of the 28th of June, 1835, recommending in the same letter urgency in its consideration to advise your Excellency of what should be done.

If your Excellency conforms with this opinion, you may be pleased to form a resolution thereon, directing that it be promptly effected by the Secretary to the Government, and that a literal copy and certificate of the official letters of the intendent and commander of the carbineers be preserved in the Secretary's office as in all preceding cases.

(Signed) PEDRO M. F. VILLAVERDE.

His Excellency the Captain-General,
&c. &c. &c.

Havana, May 28, 1841.

I accede to the above opinion, and let it be done as is therein expressed.
(Signed) VALDES.

Second Enclosure in No. 171.

(Translation.) *Sentence.*

Havana, May 29, 1841.

CONSIDERING the circumstances referred to in this communication, from which it appears that 413 negroes, now placed in the barracone of Misericordia, were seized by the guard of carbineers of the Real Hacienda, at the time of their landing from the vessel and boats which saved them from the wreck that the brigantine under Portuguese colours suffered, in which they came, at the entrance of the port of Cabañas, and that with regard to the provisions contained in Articles 1 and 3, and others of Annex B, to the Treaty of 28th of June, 1835, it only belongs to the Mixed Court to decide on the legality of the detention of vessels taken by cruizers, Spanish or British, appointed for the purpose of putting down the traffic in Bozal negroes, and provided with the necessary instructions to that intent, and upon the questions which arise from the taking and detention of the said vessel, the Court agrees that it ought to declare, and does declare, that it is not empowered to decide in this case, whether the seizure was well or ill made, and that abstaining, as they do abstain, from entering upon it, a respectful communication and certificate of this judgment be returned to the Most Excellent the Governor and Captain-General of the Island, that he may proceed respecting them by the Civil Tribunals, or by what other mode more fitting that may be advised in the questions arising, conformably to the laws of the country and to the understanding between the two nations.

(Signed) JOSE M. PINAZO.
J. KENNEDY.

JOSE ANTONIO VALDES, *Secretario.*

Third Enclosure in No. 171.

Her Majesty's Commissioners to the Captain-General.

MOST EXCELLENT SIR, *Havana, June* 9, 1841.

THE Mixed Court of Justice at this place having declared itself not empowered to adjudicate in the case of the slave-vessel "*Aguila*" and the negroes brought therein, which case your Excellency had sent to the Court for its consideration, we think it right to express our hope that your Excellency will nevertheless afford those negroes the same advantages as they would have been entitled to had they come within the adjudicating powers of the Mixed Court under the Treaty of 1835, instead of as at present appertaining solely to the jurisdiction of your Excellency's Government, namely, to direct a register to be made in which shall be entered with scrupulous exactness the names given to the negroes and the names of the persons to whose care they may be committed, for the purpose of an examination being had every six months, to show the existence of the negroes, the improvement in their condition, and the progress made in their instruction, both religious and moral, as also in the arts of life, Annex C. to the Treaty of 1835.

We think it right at the same time to disclaim making any pretension to interfere with your Excellency's regulations, and feel a confident assurance of your Excellency's determination to conduct your Government, as respecting all the unhappy victims of the Slave Trade, conformably to the wishes of the two high contracting powers.

We have, &c.
(Signed) J. KENNEDY.
C. J. DALRYMPLE.

His Excellency the Captain-General,
&c. &c. &c.

Fourth Enclosure in No. 171.

(Translation.) *The Captain-General to the Mixed Court.*

Civil and Military Government of the Havana.

GENTLEMEN, *Havana, June* 14, 1841.

IN your letter of the 9th instant you point out to me the necessity of opening a register in which shall be scrupulously inserted the names given to the negroes brought in the brigantine "*Aguila,*" and of the persons to whose charge they have been given, in order that an examination may be taken every six months, to show the existence of the said negroes and the other circumstances referred to in the Annex C. to the Treaty of 1835.

The negroes in question were emancipated by my authority, as you, Gentlemen, previously observed, and were minutely recorded with the expression of their names, filiation, and individual marks, without omitting those of the persons to whose charge they were consigned, in order that, treating them as free persons, they should teach them the doctrines of our religion, civilize them, and instruct them in mechanic duties. You, Gentlemen, were the first in one of your last communications who informed me that the negroes of the "*Aguila*" did not come within the jurisdiction of the Mixed Commission for the purpose of pronouncing their emancipation, and to this declaration nothing else could have led you but the conviction that the "*Aguila*" did not fall within the Treaty of 1835, which only speaks of captures made by British or Spanish cruisers, authorized by the instructions in due form for such purpose. This alone might relieve me from answering your invitation respecting the Annex C. of the Treaty of 1835, and from entering on any explanations. Nevertheless, I have stated the manner in which the negroes are registered, and I have to add, that the emancipados of the "*Aguila*" remain

under the protection of the Spanish Government, and shall be treated as free men in the fullest extension of the word. At the same time that I make to you this frank declaration, I shall object as little (although the Treaty does not extend to the case in question) to show you confidentially the state of the said register any day that you may wish to see it.

God preserve you many years.

The Mixed Court;
&c. &c.

(Signed) GERONIMO VALDES.

Fifth Enclosure in No. 171.

Her Majesty's Commissioners to the Captain-General.

MOST EXCELLENT SIR, *Havana, June 22, 1841.*

WE have received from the Mixed Court of Justice a copy of a letter dated the 14th instant, addressed by your Excellency to the Mixed Court respecting the negroes brought here from the brigantine "*Aguila*," which letter has been communicated to us upon the explanation given the Court that it was evidently written in answer to one we had addressed your Excellency on the 9th instant. That letter of the 9th instant we addressed to your Excellency, not as Members of the Mixed Court, but in our character of Commissioners from Her Britannic Majesty, in which character we are entrusted with distinct and ministerial duties, to correspond and regulate with the Government of this Island respecting any matters arising that may affect the execution of the Treaties, or the understanding between the two high contracting powers, on the subject of the Slave Trade.

In this character we and our predecessors have uninterruptedly been accustomed to address ourselves to your Excellency and your predecessors, independently of the Mixed Court; and our powers have been uniformly recognized without our ever before having to recur to the explanation which we feel it thus necessary to make, on account of the step which your Excellency has taken, of considering our letter of the 9th instant as emanating from the Mixed Court. This explanation we feel ourselves called upon to make in consequence of learning from the other Members of the Mixed Court that considerable misapprehension on the subject exists which ought to be corrected. We acknowledge now, as we did in our letter of the 9th instant, that the disposal of the negroes of the "*Aguila*" appertains entirely to your Excellency's authority; but as your Excellency had been pleased to send the case before the Mixed Court, which clearly had no jurisdiction over it, we thought it but right as the representatives here on the subject of one of the high contracting powers, to suggest to your Excellency that though the Mixed Court had not the power of adjudicating in the case, yet that your Excellency had the power of putting the negroes in the same position as if the Court had been able so to do, by causing the same measures to be taken on their behalf as are directed in the Annex C. to the Treaty of 1835.

Understanding from your Excellency that these measures have been substantially carried into effect and will be acted upon in future for the objects specified, we have only to offer our acknowledgments in reply, and to express our full conviction of your Excellency's determination to act in good faith for the suppression of the illicit traffic.

We have, &c.

(Signed) J. KENNEDY.
C. J. DALRYMPLE.

His Excellency the Captain-General,
&c. &c. &c.

Sixth Enclosure in No. 171.

(Translation.) *The Captain-General to Her Majesty's Commissioners.*

GENTLEMEN, *Havana, June 24, 1841.*

INFORMED by your communication of the 22nd instant showing that the letter you addressed me on the 9th was not in the character of Members of the Mixed Court, but in that of Commissioners of Her Britannic Majesty, in which are intrusted to you distinct and ministerial duties to come to an understanding with this Government respecting everything concerning the fulfilment of the Treaties, I have to state to you in reply that I am perfectly agreeing in the recognition of this principle, in which the spirit itself of the Treaties consists, and in various past resolutions in force, and that it could only be by an involuntary mistake in the Secretary's Office that my letter of the 14th instant was directed to the Mixed Court instead of to you.

This mistake explained, it is gratifying to me to assure you that consequent always upon the principles of honour and good faith with which these stipulations should be observed, I shall receive with satisfaction whatever you consider proper to communicate to me relating to so sacred an object, with the distinction belonging to the double character with which you are invested.

I thank you, Gentlemen, much for the polite expression of sentiments which attribute to me determination for the most efficacious and punctual observance of the Treaties, which truths I repeat to you with the assurance of my personal consideration.

God preserve you many years.

Her Majesty's Commissioners,
&c. &c. &c.

(Signed) GERONIMO VALDES.

No. 172.

Viscount Palmerston to Her Majesty's Commissioners.

GENTLEMEN, *Foreign Office, August 11th,* 1841.

WITH reference to your Despatches of the 22nd of January and of the 15th of February last, reporting the state of the Slave Trade at the Havana in the months of December, 1840, and January, 1841, I herewith transmit to you, for your information, a Copy of a Communication which I have received from Her Majesty's Commissioners at Sierra Leone, containing some Observations upon your Despatches above mentioned.

I am, &c.

(Signed) PALMERSTON.

Her Majesty's Commissioners,
&c. &c. &c.

Enclosure in No. 172.

Sierra Leone Commissioners to Viscount Palmerston, June 3, 1841.

(See No. 82.)

No. 173.

Viscount Palmerston to Her Majesty's Commissioners.

GENTLEMEN, *Foreign Office, August 22nd,* 1841.

I HEREWITH transmit to you, for your information, 1st, a Copy of the printed Parliamentary Papers, containing an account of Captain Denman's Proceedings against the Slave Factories at the Gallinas; and, 2nd, a printed Copy of a Paper, drawn up at the Colonial Office, on the Progress of the Free System in the British West India Colonies in 1840.

I am, &c.

(Signed) PALMERSTON.

Her Majesty's Commissioners,
&c. &c. &c.

First Enclosure in No. 173.

Papers presented to Parliament on Captain Denman's Proceedings in the Gallinas.

Second Enclosure in No. 173.

Memoranda on the Progress of the Free System in the West India Colonies in 1840.

I.—LEGISLATIVE COLONIES.

1. JAMAICA.

OUR accounts from Jamaica, so far as they relate to the sugar crops, are unfavourable. The crop of 1839 fell considerably below the average of the four years of apprenticeship, which was itself considerably below the average of the six years preceding. The crop of 1840 appears to have been shorter still—in twelve districts out of twenty very much shorter; and even this is not expected to be equalled by that of 1841. The exact amount of the deficiency, the reports furnish no data for estimating.

With regard to the crops of 1839 and 1840, when we remember the many questions which divided the planters and labourers against each other during the apprenticeship, and the many difficulties both social and political by which the first year of freedom was embarrassed, we cannot wonder that they

should have suffered materially. That much of the grown crop was lost for want of hands to get it in I do not believe; but it is admitted that, in the struggle to get it in, the planting, cleaning, and otherwise preparing of the field for future crops was not properly attended to; and that the consequences of this inattention, to whatever cause it may be referred—negligence, mismanagement, want of money, or want of hands—would be felt in the following years, has all along been predicted.

In the crop of 1841 the anticipated deficiency appears to be attributable entirely to the long drought with which almost every part of Jamaica has been afflicted during the last year. In the only parishes which have not suffered severely from this cause (St. Thomas in the Vale and St. John's) good crops are expected.

With regard to the general prospects of the island—accidental impediments apart—the accounts are more encouraging. Sir C. Metcalfe's circular calling for the reports from which the information in this paper is chiefly drawn was addressed not only to the senior stipendiary magistrate of each parish, but to the custos or senior local magistrate also. From many of the latter no answers appear to have been received; but if we compare the tone of those which are here with the accounts which proceeded from the same persons, or persons of the same class, the year before, we can hardly doubt that a very favourable change has taken place either in the conduct of the peasantry or in the feelings with which the planters regard them, or (which is most likely) in both.

The bargaining about wages seems to have subsided; a general rate having been agreed upon in all or almost all the parishes. The rate is not indeed uniform, being rather higher in some parishes than in others; nor has it remained constant, a change having occurred in many places—I think I may say generally throughout the island—always in favour of the labourers. In 1838, there were few districts in which the daily wages of a first-class labourer were more than 1*s.* 8*d.* currency, whilst in many places there was an attempt to keep them lower. Now, 1*s.* 8*d.* appears to be the lowest rate, and in most of the districts they are stated to vary from 1*s.* 8*d.* to 2*s.* 6*d.* But in all parts of Jamaica a scale of some sort has been agreed on, according to which the payment for work, whether done by the day or by the job, may be regulated without dispute. And by this arrangement, coupled with the substitution, which seems now to have become general, of task-work for work by the day, a fruitful source of altercation and mutual dissatisfaction has been removed.

The troubles caused by the arrangements with regard to rent, of which the former volumes of Reports were full, have not yet altogether disappeared; but I think they are gradually disappearing. The principle of charging for each house and provision-ground a fixed rent, payable by the head of each family, and independent of any condition that the occupants shall labour for the estate, is evidently gaining ground, and may be expected to gain ground faster and faster; for the superiority of this plan to that which was originally adopted almost universally—viz., of charging rent *per capita*, and either remitting it to those who worked a certain number of days weekly for the property or doubling it to those who did not, so as to make it in fact not a rent for the use of the house and ground, but a fine for not working—appears to have been proved by the results of all the experiments that have been tried. Still, however, many repetitions of the old complaints on this head occur in these Reports; and the rent question continues to be the main impediment to a good understanding between the two classes.

The natural consequence of the prevailing system was foretold long ago; the labourers, finding themselves uncomfortable as tenants on the estates, would buy plots of land and establish themselves as independent freeholders. The tendency in this direction was manifest from the first; and their progress in it forms the most novel and interesting feature in these Reports; though the information they convey does not enable me to explain with any clearness, or even to conjecture with much confidence, either the rate at which the change is proceeding or the consequences which may be expected from it.

One thing seems to be generally observed and admitted:—throughout Jamaica, it is an object of ambition with the peasantry to possess cottages and gardens of their own. But the facility of attaining the object and the strength of the desire vary (as might be supposed) very widely, according to the quantity of land offered for sale, and according to the more or less easy conditions of tenancy in the estates. In some places abundance of land is thrown in their way at prices which very many can afford to give; in others, where no land is to be purchased in the neighbourhood, their dependent condition has exposed them to so much annoyance that they will remove to distant places rather than remain where they are. In one or two (and I think only in one or two) districts many of them have returned to their former abodes, having tried the other condition and found it less comfortable. It may be stated, however, generally that the process is going on to some extent everywhere; and in the large majority of parishes it is spoken of as rapid and rapidly increasing.*

What proportion the number of these new freeholds bears upon the whole to the entire labouring population, I can find no data for ascertaining within any definite limits; but besides a great many scattered houses in the neighbourhood of the estates or along the public ways, there are numerous clusters of them in various parts of the island large enough to be spoken of as towns or villages.

Whether the lots ordinarily purchased are of sufficient value to entitle the purchasers to a vote for members of Assembly, is a point which very few of the writers have adverted to; but the two or three who have, say not. The lots are said to be generally small (from an acre and a half probably to three acres) and the lands unproductive.

Of these changes the *immediate* effect has been in most cases, though not in all, to reduce the supply of labour available for the work of the estates: nor could it well have been otherwise; for at first the new freeholders must have been naturally employed, and must have had enough to do, in building their cottages and preparing their grounds. What will be the *ultimate* effect is a matter of dispute, upon which experience has not yet had time to throw much light, and people's opinions are of

* The number of freeholders assessed as holding freeholds under 40 acres, was in 1838, 2014; in 1840, 7848; increase, 5854. (See Sir C. Metcalfe's Despatch, No. 144, Dec. 14, 1840).

little value. On a particular point like this, each man's opinion will follow his general anticipations of evil or good to result upon the whole from the new state of things, and will be determined by them. If he has been accustomed to think that emancipation will injure the interests of the planter, he will think that the establishment of the labourers as freeholders will deprive the planter of their services; if, on the contrary, he has been accustomed to think that the interests of the planter will in the end be benefited by emancipation, he will think that these freeholders will in the end turn out the most effective labourers. In the mean time, one fact, important though not conclusive, may be gathered from these Reports. In several instances it is distinctly stated upon what appears to be sufficient authority that estates in the neighbourhood of new settlements have already felt the benefit of them in an increased supply of labour. And the natural and reasonable opinion seems to be that as soon as the labourers have settled themselves in their new abodes, and still more as soon as either their grounds shall be exhausted (which some persons think will generally happen in two or three years), or a glut of provisions in the market shall bring down the value of the produce, they will again resort to the estates for work; preferring of course the nearer to the further off, the former of which will consequently thrive at the expense of the latter. Mr. Marlton, one of the most intelligent of the stipendiary magistrates, and one in whose neighbourhood (owing probably to the general adoption of a fixed rent system without fines for absence or any other restrictions, of which an example was set in November, 1838) the progress of the labourers in establishing themselves as independent freeholders has been comparatively small,* mentions that three of the proprietors in his district have surveyed land on or near their estates and sold it to great advantage; a measure in which he thinks they will find their account, even though the purchasers should be labourers resident on the estate and paying five shillings weekly in rent. As much of their labour as these persons may be disposed or compelled to hire out, the estates will have the benefit of.† If they gave them no means of settling in the neighbourhood, they might lose them altogether. But in this matter all is conjecture, as I said.

The most marked, universal, and indisputable effect of the general change has been an increased and increasing activity in the internal retail commerce of the colony; a fact evidenced by the number of shops and small stores which are appearing everywhere, and corresponding with the increase of imports. This is on all accounts an encouraging circumstance—at once a proof and a source of prosperity. For while it shows how much the condition of the labourer is improved, it nourishes the fund by which that improvement is sustained. Much of the money spent by the proprietor in wages must no doubt return to him through the estate-store, to be paid in wages again, and to make up for deficiencies of produce. I am not sure, however, that the permanence of this internal commerce (in its present activity at least) can be safely counted on. Two causes, the one accidental and the other of doubtful duration, have contributed to its present activity: the universal drought, which, by destroying the produce of the provision grounds, has driven the people for their daily food to the small shops at which imported provisions are sold; and the large advances which I suppose the proprietors must have made to satisfy the demand for high wages. It remains to be seen how long the price paid for sugar in this country will continue, in the event of a continued deficiency of produce, to repay the proprietor for these advances. If the crops should fail to repay the outlay, less money will be paid in wages, less wages spent at the shops, less beef and ham and flour consumed by the labourers, less revenue derived from imports, and so on.

The means of education are still far from adequate; but active exertions are making to increase them in all directions. That the parents desire to have their children educated and take advantage of such opportunities as are thrown in their way, is now generally admitted. The complaint is that none of the children are doing any work for the estates; and this, I think, is also admitted on all hands. It is apprehended by many that these children, not being inured to labour in their early years, will never take to it afterwards; but I doubt whether the alarm be well founded. If a man cannot live with as many comforts as he has been used to without labouring, I question whether labour will be more irksome to him because he has been allowed to play or to go to school in his boyhood; and on the other hand, if a man find that he can have all he wants without labouring, I question whether he is more likely to continue labouring for having been compelled to labour when a boy: at all events it must be taken as it is. They prefer going to school to trashing canes and picking coffee, and their parents prefer it for them; and they must be left to do as they please.

The general conduct of the peasantry is better than it was, except that in one or two districts the domestics (who used to be reckoned the superior class) are said to be behaving very badly; but it does not appear in what way. Serious crimes are very rare, and ordinary offences on the decrease in most places.

Of the Courts of Reconciliation, which have been recently established, and are said to work promisingly, we hear nothing in these Reports. But they ought not to be passed over in a view of the progress and prospects of West Indian society under its new conditions. Among the many germs of social improvement which have developed themselves within these two first years of freedom, there is perhaps none that promises more extensive or more lasting benefit than this.

The coffee properties appear to have been doing much better than the others, and making fair average crops, or not much under a fair average. But the drought has told upon the coffee as severely, it would seem, as upon the sugar, and the most sanguine asserters of a progressive improvement in the prospects of the coffee planter are prepared for a very short crop this year.

Mr. Grant, senior stipendiary magistrate in Manchester, states a fact which contains much promise in it; a machine for peeling coffee, "which will not only effect a great saving of manual labour, but will expedite the process of manufacture, perform the operation more effectively, and save the heavy

* This is not quite borne out by the return of assessments. The number of freeholds under 40 acres assessed in St. Mary's (Mr. Marlton's district) in 1838, was 72; in 1840, 278; which is not much below the general average of increase throughout the colony. It is possible that the chief increase may have been in parts of the parish remote from Mr. Marlton's residence, or in the year before. (See No. 144, Dec. 14.)

† Mr. Robertson, Custos of St. Elizabeth, suggests, on the same principle, that the Government should establish townships in convenient places, and let lots to the peasantry.

and expensive buildings required for the rude and cumbrous machine now in general use," has been invented by a Mr. John Humble of St. Ann's. He has had to contend, according to Mr. Grant, with "strong prejudices and ridicule, and opposition and apathy, before he could obtain a practical trial for his invention." I presume, therefore, that it has been tried at last, and that the result of the trial has been satisfactory, but no further particulars are given. If there is one thing which the West India planters should desire to see more than another, it is a man making his fortune by some patent invention for the abridgment of labour.

I find among these Reports a few miscellaneous remarks and suggestions which it may be worth while to mention:—

1. Mr. Abbott, senior stipendiary magistrate in Westmorland, would have a law obliging all contracts for work to be sanctioned by a magistrate or other responsible public officer. He thinks it would have the effect of encouraging contracts of longer duration than those which are now customary. Such contracts he thinks indispensable in crop time, to prevent strikes for wages at critical moments. At present the labourers are reluctant to engage themselves for more than a day at a time, but this is because they do not yet understand the nature of a contract, and are afraid of committing themselves to some disadvantageous bargain. He thinks that the supervision of a magistrate would give them confidence to enter into contracts for longer periods, and does not seem to apprehend any difficulties in enforcing the performance of them. The head men are engaged by the year, and there are very few complaints brought against them; and indeed there is scarcely ever a charge brought either for wages or for neglect of duty, but it is found that there has been some misapprehension as to the terms of the engagement.

2. Mr. Grant, senior stipendiary magistrate in Manchester, wants a provision for "the imposition of some penalty of easy recovery, on those who have received payment for lands, with a perfect knowledge that they have not the power to make a valid conveyance." Advantage it seems has been taken of the ignorance of the peasantry, and their anxiety to purchase land, by persons who have sold them lands to which they have no title. Many cases of this kind have been brought before the authorities, "but there is no legal remedy or protection from the imposition."

3. There appear to be some defects in the Petty Debt Act.

Mr. Marlton observes that "no maintenance was provided by it for persons confined under its provisions, who were without the means of sustenance," in consideration of which he took upon himself, as Inspector of Prisons, to order such persons an allowance of 2*s.* 6*d.* daily.

Mr. Gurley quotes another clause as objectionable, by which it is provided that "no defence shall be admitted on the hearing before the justices, unless notice in writing shall have been given to the plaintiff, at least two days before the hearing of the same;" a condition (he adds) totally out of the power of the ignorant to comply with.

Mr. Marlton further complains of the inconvenience arising from a difference of opinion as to the tenure of houses and lands on the estates. The planters would have it that the agreement to pay 5*s.* weekly makes the tenancy a weekly one, to be given up at a week's notice. Professional opinions are stated to be divided on the point. Mr. Marlton wants a law to define such questions so as to satisfy both parties.

Other reforms, he says, are wanting in the administration of justice by the Petty Courts; upon which, unless this should be effected by the Judiciary Bill, he will submit a special report.

The peasantry are said to have suffered a great deal by the trespassing of cattle, which has become more frequent owing to the want of proper fences, which were unnecessary during the times of slavery, because there were always plenty of slaves too infirm for field-work, and they were used as watchers. Watchers are now not to be had, or are thought not worth their wages; it seems, at any rate, that much fewer are employed. The consequence is, that the grounds of the tenantry on the estates are left without any sufficient protection, and the tenants themselves without any available redress; the redress is tedious and expensive, and the new Pound Law has deprived them in a great measure of the only protection which the former law afforded them—that of impounding stray cattle. This cannot now be done without an order in writing,* which (according to Mr. Gurley) very few of the labouring class can make; so that generally the trespassing animal cannot be impounded except with the assistance of the owner, or the owner's servant or neighbour. Besides (adds Mr. Gurley) the poundage is so trifling that it is not worth the journey.

I believe the amendment of all these Acts is under the consideration of the Jamaica Legislature.

II. Windward Island Government.

Barbadoes.

We have no reports from Barbadoes of recent date, bearing on the general condition of the colony. The records of the Assistant Court of Appeal, which are regularly transmitted, show that the number of complaints brought before the Police Magistrates is not considerable, and that the number of decisions appealed against bears a very small proportion to the whole. In this department everything appears to be working smoothly; the Appeal Court continues to give satisfaction, and the newly established Courts of Reconciliation will no doubt be another great advantage.

With regard to the general working of the new system and its effects upon the cultivation of coffee and sugar, I apprehend that the chief difference between Barbadoes and the other sugar-growing colonies in the West Indies will be found to be, that Barbadoes is more thickly inhabited, that it possesses a larger and a superior class of resident gentry, and that the means of education and religious instruction are more widely diffused than elsewhere; Antigua standing nearest to it in these respects, and in the last-mentioned perhaps above it.

The general arrangements appear to be much the same as in other places. The labourers are allowed the use of a cottage and a spot of ground (about a quarter of an acre generally) rent free. But in return they are expected to work regularly for the estate; if they do not, they are either ejected by summary process,† or charged a certain sum, which is called rent, but which is really neither more nor

* The order in writing has been dispensed with, by an Act just received.

† In the Reports from which I have drawn these particulars, (which are not however of recent date,) ejectments are distinctly stated to have taken place. But it does not appear that the police magistrates had been usually appealed to in such cases. In one of the districts it was expressly said that "the planters had

less than a fine for absence. They work under verbal agreements from day to day; and the ordinary rate of wages is about 1*s.* sterling for a day of eight or nine hours; not so high as in Jamaica. Task-work is hardly anywhere resorted to. The labourers are perfectly quiet and peaceable; and though the police magistrates (who are most of them planters) do not give them a high character for industry or regularity or duty to their superiors, the main fault imputed to them comes, I think, to little more than this—that they have no abstract love of field labour, and no such solicitude for their master's interests as should induce them to work harder on his account than they need to do on their own. It seems, however, to be universally admitted that they are raising their scale of comforts and improving in their habits and tastes; and that they supply themselves with the means of satisfying their new wants by fair working at no extravagant rate of wages.

Far, indeed, as the conduct of the negroes and the progress of cultivation may fall short of the planter's estimate of what it ought to be, it seems to be generally acknowledged that the new system works better than the old; and when we look to the return of exports and compare it with the prices of sugar, it must be concluded that Barbadoes is in a highly prosperous condition. For the five years ending in 1834, the average of sugar annually exported from Barbadoes was 445,461 cwt. For the five years ending in 1839 it was no less than 496,673 cwt. The last crop, it is true—that is, the produce of the first year of freedom—fell somewhat short of the average of the four preceding years of apprenticeship. But on referring to the English Custom House Returns, I find that it was larger than the average of the last six years of slavery.

The crop of 1840 was expected to be short, in consequence of the drought; but the preparations for the year after were extensive and promising. I cannot, however, find any detailed information with regard to this Colony of later date than November, 1839.

St. Vincent.

Our information from St. Vincent's is neither full nor recent. Up to August, 1839, the want of steady labour was much felt, and the crop was very deficient. At that time the operation of the Apprenticeship Abolition Act ceased, and it became necessary to make some fresh arrangements with regard to the tenure of the houses and provision-grounds. It does not appear, however, that any material change took place. Generally, the labourers were allowed to occupy the houses rent-free on the understanding that they should work for the estate for wages, at the rate of 8*d.* sterling for nine hours. On these terms they were working, on "implied monthly hirings," but without any regular agreement. From this time, (from whatever cause,) a gradual improvement was observed in their conduct; which led some of the planters (and especially the members of the Agricultural Society) to think favourably of the prospects of the island. In a memorial dated the 15th of December, 1839, (the object of which was to recommend some legislative measure for compelling the children to work,) they enclosed returns from seventeen sugar estates, showing that, on a comparison of 1838 with 1839, there was a considerable increase in the quantity of the land under cultivation; and, after noticing the progressive improvement of the peasantry in steadiness and good feeling, and the gradual return to the estates of those who had gone away, they express a hope that, although the crop of 1840 will fall below the average,* that of 1841 "may be such as to remunerate the planters, and also to prove that the expectations they have been sanguine enough to maintain have not been fallacious."

Along with this memorial the Lieutenant-Governor forwarded returns from six sugar estates, showing the expenditure and the receipts during the years ending August 1, 1838, and August 1, 1839. On four of these estates the crop of 1839 fell considerably short of the previous one; in one it was equal; and in another it was larger. Taking one with another, the net profits of the first year of freedom exceeded by about one-fifth those of the last year of apprenticeship. But this is owing to the price of sugar having increased by nearly half; for the expenses of cultivation have been in all these cases very considerably increased, and, putting them all together, have nearly doubled. The result therefore cannot, I fear, be regarded as very encouraging: it shows only that, at the existing price of sugar, the planters in St. Vincent need not be ruined; but it carries no evidence of the existence or of the prospect of any source of secure and permanent prosperity.

Tobago.

There was an abundant crop in Tobago in 1839; but for want of labour it was not all got in. In September, uncut canes were still standing in the fields, which the planters had given up all hopes of saving. As it was, however, more sugar was made than in the previous year by about 1000 hogsheads, one-fourth of the whole. But unfortunately all the labour that was procurable was employed in the endeavour to secure as much of the crop as possible, to the great neglect of all necessary preparations for the next; in consequence of which, and of the drought, a very short crop was expected in 1840.

A considerable number of the labourers left the estates on the dissolution of the apprenticeship, and do not appear to have returned. Since that time I do not find that the number of hands has been materially reduced. The children, as in other places, had withdrawn entirely from labour. The number of complaints brought before the magistrates was fewer; and some progress had been made in the establishment of schools; though the number both of schools and of clergymen was very insufficient.

No reports appear to have been forwarded from the stipendiary magistrates in Tobago. These particulars I find in the speeches and addresses interchanged between the Lieutenant-Governor and the Legislative Houses, on the opening of the Sessions.

Grenada.

On the 3rd of February, 1840, Lieutenant-Governor Doyle, in reporting his intention to avail himself of the leave of absence granted him by the Marquis of Normanby, observes that "the present state of the colony is entirely satisfactory. Both employers and labourers evince an improved spirit in their mutual relations with each other. The peasantry are working well for fair wages, and are con-

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generally effected the ejectment themselves." I suppose the proprietor ordered the tenant to quit, and the tenant did not think of disputing or resisting, which he might legally have done. According to the opinion of the Crown lawyers, the occupant of a cottage on the estate is to be regarded as a tenant at will holding over, and can be ejected only by an action at law. Of this right of resistance the peasantry are probably not aware, or have not yet learned to exercise it. I have not seen any instance quoted of either kind; either of an ejectment effected by action at law, or of resistance offered to an illegal ejectment.

* St. Vincent suffered from the great drought like other places.

ducting themselves with propriety. In short, matters are settling down quietly to their proper level. I have therefore no anxiety upon my mind that my temporary absence will be attended with any inconvenience."

This is the latest and indeed the only account I can find of the general condition of Grenada. No magistrates' reports have been received; nor even copies of the Lieutenant-Governor's speeches on opening the Sessions and of the addresses of the Legislative Houses in answer.

The general character of the peasantry is alluded to, in passing, in Mr. Stipendiary Justice Jephson's report on the condition of some Maltese immigrants, dated October 8, 1840. He describes them as "the most peaceable, orderly, and well-disposed peasantry in the universe;" "the most cleanly of all he ever saw, and the nicest about their persons;" and while he regrets that they should be exposed to the contamination of these Maltese, (who have been selected without any care for character,) adds that the negroes, however, conscious, he supposes, of the superiority they appear to possess in almost every particular, do not seem to be inclined to associate with them. "They are too anxious to elevate themselves to imitate those apparently beneath them."

The returns of sugar imported from Grenada into the United Kingdom show a considerable falling off in the first year of freedom as compared with the average of the apprenticeship, which was itself a falling off from the average of the six years preceding. Of the prospects of the crop of 1840, and of the general state of cultivation, I can find no account.

III. Leeward Island Government.

Antigua.

The transition from slavery to freedom, sudden as it was, settled kindly upon Antigua. The people continued for the most part to reside on the estates as before, and to work for them at moderate wages; and whatever may have been said about the want of continuous labour, the broad result was, that the average sugar crop of the first five years of freedom ending in 1838, exceeded by about one-ninth the average of the last five years of slavery ending in 1833.

Since that time there has been a gradual improvement in the general condition of the island, but no very striking change. Offences have decreased in number, marriages have become more frequent, and concubinage more disreputable; schools and friendly societies have been extended, with good effects; the dislike to field-labour has been observed to be going off; and the children who had at first been withdrawn entirely from all work on the estates) were again beginning to be employed. Imports have increased 10 per cent., and it is said that not six people in the island would have the former state of things back again if they could.

No progress has, however, been made towards an improved system of tenancy. The labourers occupy their houses and grounds as before, paying no rent, (except in so far as the value of the grounds may affect the rate of wages, which it is said to do in some places,) but remaining as tenants on sufferance; expected, while they so remain, to work for the estate, and liable, if they do not, to summary ejectment.* To this system the planters persist in adhering; and I do not find that any progress has been made towards a better. It has caused a little discontent in some places; and the desire to emigrate to Trinidad, which has manifested itself from time to time, and caused considerable alarm, though it does not appear to have produced any considerable inconvenience, is supposed to be more or less connected with it. Another effect is the establishment of two independent villages; the reports of which have been uniformly favourable. The inhabitants have been behaving exceedingly well. They select their own constables from amongst themselves, and support them in the discharge of their duties. They are all either mechanics or labourers on estates, always residing on their lots; almost all legally married, and those who are not, obviously ashamed of the avowal; the majority either members of the congregation or attendants at a Moravian chapel in the neighbourhood; the children working either on the neighbouring estates or on their parents' allotments; the younger ones mostly attending school.

From these settlements the planters fear much, thinking that the labour of the inhabitants will be lost; and Mr. Walker hopes much, thinking that they will become "nurseries of labour for the whole island." Sir W. Colebrooke expects great good from them, especially as the means of developing the sense of social responsibility and self-government in the negro peasantry, and of correcting the wandering and unsettled habits which he fears that the increasing practice of employing independent jobbing gangs that go from place to place, and have no regular home, may introduce. In the mean time it is stated as a fact that by aid of labour from these villages, a neighbouring estate which had been abandoned for several years is now re-established as a sugar plantation.

Antigua, like the rest of the West India Islands, has suffered from drought during the last year; and the crops both of 1840 and of 1841 will be affected by it. The crop of 1840, however, was still expected to be an average one, at the date of the last Report (July 20).†

Montserrat.

Since the abolition of the apprenticeship, a very rapid improvement has been visible in Montserrat. About the time of the change, a little before as well as a little after, the people were a good deal unsettled, and the crop of 1840 was expected to prove a short one in consequence.‡

But ever since the settling down of the first uncertainties, the improvement, so far as agricultural prospects are concerned, has proceeded without a check; and it seems to require nothing more than a treasury better filled or better credited to effect a corresponding improvement in all other directions.

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* See Note, p. 286. The reports from which I speak were written before the opinions of the Crown lawyers had been collected and communicated to the Governors. The colonial lawyers were not, I think, agreed upon the point; at any rate, their opinions had not had the effect of putting an end to this practice of summary ejectment, which has prevailed, not to any great extent anywhere, but to some extent, I believe, everywhere. Whether the opinions of the Attorney and Solicitor-General have had authority enough to correct the practice, I cannot learn.

† A subsequent Report, dated October 20, states that the weather has been favourable since September; that the prospects for next year are revived: and that the current crop, it is now hoped, will not fall short of the previous one.

‡ It was also reported that the summer of 1839 was too dry.

The first step towards this prosperity was the substitution of job-work for work by the day; which, having been tried in some instances with marked success, very soon became general, and is now, I believe, universal. Since this plan was tried, I do not find that there has been any complaint of want of labour.

In September, 1839, it was observed that imports were rapidly increasing, and that the amount of money paid in wages (the rate, as I understand, remaining the same) had increased as much as 17 per cent. And in July, 1840, it was reported that on a comparison with 1836 the imports had increased nearly 24 per cent., and the exports nearly 32; that the quantity of land in tillage for sugar was nearly double of last year's; and that the crop of 1841, so far as it depended upon human industry, must be a very large one.

Mr. W. Dolly, speaking from twenty years' experience of the management of estates, declares that the new system is better than either of the former—happier for the people, more profitable for the proprietor; that the same work is now better done by one-third of the number of people; and that there is labour enough to be had in the island to keep all the sugar estates in cultivation. *

A corresponding improvement is observed in the conduct of the people, and in the anxiety of the parents to obtain for their children the advantages of education, the opportunities of which are, however, very scanty. But the attention of the managers of the Mico fund has been turned to the deficiency, and they are going to send competent teachers. Those of the peasantry who have settled upon lands of their own buying are reported to be doing very well.

The cultivation of the mulberry has been tried with good prospects of success. But there has not been time yet for the success to appear in the shape of any material results. A supply of silk-worms' eggs was produced from Europe, but they failed to hatch.

The Reports for October announce no material change.

The only drawbacks upon the prosperity of this little colony appear to be the want of reforms in the law, and the financial embarrassments which stand in the way of other improvements.

St. Kitts.

St. Kitts presents another striking instance of the good effects of the Free System. The arrangements with regard to tenancy are indeed the same as elsewhere; and have produced, in some degree (though not generally nor to any great extent), the same kind of evils. The want of a Contract Law was also complained of, and of a law for giving validity to marriages celebrated by Dissenting Ministers. But very soon after the abolition of the apprenticeship task-work seems to have been generally substituted for work by the day; and the usual good effects have followed. Whatever the cause, it is certain that a very great improvement took place in all departments during the year 1839.

The planters and labourers were going on more harmoniously; wages had risen, but not higher than the estates could afford; there was no want of labour: field work was beginning to be less disliked, and the children to work; the seasons were favourable and the crop plentiful. In the mean time, imports were rapidly increasing; taxes not too heavy, yet the treasury competent to all demands; the legislature making liberal provision for the improvement of prison discipline and the extension of education; banks established; friendly and medical benefit societies so prospering and so increasing in number, that more than one-fifth of the whole labouring population had become members of one or other of them; schools, chapels, and churches well attended; the peasantry contributing largely out of their earnings towards the building of additional ones; marriage coming into fashion, offences less frequent, the land in the finest state of cultivation, and the revenue increasing.

This favourable state of things continued up to the end of July, 1840, the date of the latest report, with only one drawback—the weather was much too dry, and it was feared that the crops would be materially injured by it.†

Among the advantages possessed by St. Kitts to which this prosperity may be partly attributed, I should have stated that the four stipendiary magistrates are all of them very intelligent and judicious officers, and that the abolition of the apprenticeship and first arrangements of freedom were conducted under the Lieutenant-Governorship of Sir H. Macleod.

Nevis.

Nevis is among the least prosperous of these islands; owing probably to its poverty. In 1839 the crop was not half so large as it should have been, considering the favourable season; only two estates got their crop completely off. The preparations for 1840 were in the mean time very deficient. And between this want of preparation and the almost universal drought the crop of 1840 was expected to fall short of the previous year's by one-third.

Everything was quiet—wages rather higher—children more disposed to work. But the tenancy arrangements were causing some dissatisfaction—emigration to Trinidad was apprehended—the means of education and religious instruction were very deficient—hospitals and provisions for the sick and infirm were wanted—there was no Friendly or Benefit Society, and no Savings' Bank. A subsequent report, dated Oct. 1, announces some improvement: continuous labour more prevalent; wants increasing daily; desire for education general; schools well attended. But the weather still very unfavourable, and the prospects of crop very gloomy.

Virgin Islands.

The report of the Virgin Islands is rather more favourable.

The want of schools is complained of, for which the legislature has made no provision; and the want of some reforms in the laws concerning cane-stealing and trespass. There was a scarcity of imported provisions—therefore a scarcity of food, for these islands are dependent for food upon foreign supplies—and the crop of 1840 was not a good one.

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* The table at the end shows a great falling off in the exports of sugar for 1839. Mr. Dolly expressed these opinions in June, 1840; the rapid improvement of which he speaks had commenced about eight months before, after the fate of the crop of 1839 was decided.

† By subsequent reports, dated October 1, it appears that some rain had at length fallen, and that the agricultural prospects had been improved by it. The crop was expected to be not much less than the last. More children had engaged themselves in field labour; the schools continuing as well attended as before.

But schools were improving; the poor were provided for (4000*l.* or 5000*l.* being annually paid by the parishes on that account); offences were fewer; there was no dissatisfaction, no complaint of want of labour, and the prospects of the next crop were favourable.

The latest report (September 30) states that a Benefit Society has been formed, and that others are in progress or in contemplation; the scarcity of provisions still felt; the growing crops injured by the drought which prevailed during June, July, and August.

Dominica.

The political dissensions of Dominica and the inveterate jealousy with which the planters regard the stipendiary magistrates, together with other evils incident to the mixture of the French and English races, habits, and laws, have combined to interrupt the favourable progress of the change in this colony. But here also, during the year 1839, a decided improvement was observed. The labourers were gradually returning to more settled habits; the more general adoption of task-work was producing a good effect; the experiment of a fixed rent for definite periods was beginning to be tried; offences were growing more rare; the taste for comforts and luxuries was visibly increasing; marriages were becoming more frequent, and concubinage more disreputable; a new missionary school was established, and the existing schools were better attended; the provision grounds were in a better state of cultivation; the season was favourable, and the crop better than the average of the five years preceding; the next promised to be better still.

A subsequent series of reports, dated in the beginning of May, 1840, spoke of a continued improvement in all these particulars, except the prospects of the sugar crop, which was then expected to fall short about one-fourth—owing, I imagine, there as elsewhere, to the prevailing drought. The coffee crop had been a very good one; and the sugar crop of 1841 was reputed to be promising. Task-work had become still more general; wages had risen a little; disputes about the fulfilment of contracts had for the most part been arranged amicably. The condition of the peasantry continued to improve; the labour of children on estates was more easily obtained; the free people, who used to be too proud to work in the field, were now beginning to compete with the plantation labourers; some of the managers, instead of tempting labourers from neighbouring estates by the offer of higher wages, were beginning to give the preference to the residents on their own. New missionary schools had been established, and were working well; and the Wesleyan Temperance Societies had done much good.

Great difficulty had been experienced in obtaining for the aged and destitute the relief due to them under one of the provisions of the Abolition Act; but by the last account it appears to have been effectually accomplished at last. The remaining obstructions to the prosperity of Dominica, as the want of police stations, of a provision for the payment of the constabulary force, of laws, &c., appear to lie at the door of the legislature; and much as they affect the working of the new system, cannot be considered as part of it, or as necessarily arising out of the new relations between the peasantry and the proprietary body.

The last reports (Oct. 1) announce a continued improvement in the particulars above-mentioned. The season had been favourable, and good crops were looked for.

IV. Bahamas.

In March, 1840, Col. Cockburn made a tour of the Bahamas. He found the inhabitants everywhere quiet and contented, and much gratified by his visit, the first of the kind.

"Of the discharged apprentices, a fair proportion was doing well;" but the "prevailing inclination to possess lands of their own at all risks and hazards had occasioned a great deficiency in the number of Creole labourers working for hire:" and some had taken possession without authority, and without means to cultivate or to pay for them. In several places, however, where they had been judiciously treated, he found large gangs working under agreements with their former owners, and both parties acknowledging their improved condition.

The liberated Africans were doing well, and more were wished for; though they do not like the sort of work (salt-raking), will not enter into any written contracts, and are but little advanced in civiliza- or instruction, the opportunities of which are very deficient.

The working of the salt-ponds (of which there are many in operation, and many more remaining unoccupied) is the chief business of the out-islands. With more labour at command this supply might be much increased; and there is no fear that the demand would not keep pace with it.

More clergymen and more schoolmasters are wanted.

In Colonel Cockburn's speech to the Legislative Houses on December 17, 1840, he states that "tranquillity and contentment appear to prevail throughout the Colony; and that at all the salt-islands, except Exuma, the crops have been abundant, and there has been a steady and satisfactory demand for the article."

II.—CROWN COLONIES.

British Guiana.

British Guiana flourished greatly during the apprenticeship. With prices much higher, with expenses not much greater, and with a large share of the compensation-money, they had also crops considerably larger than in preceding years,—imports increasing and the treasury filling proportionably.

The first crop after the abolition of the apprenticeship showed a considerable decrease; a decrease as compared not only with the apprenticeship average, but with that of the six last years of slavery. How much of this falling off is to be ascribed to the scarcity of labour I cannot ascertain. Much of it must no doubt be charged upon the weather, which, though favourable in the early part of the season so as to hold out the promise of an abundant crop, changed in March, 1839, into a drought so excessive and lasting so long that all the trenches (by which only the canes can be conveyed from the fields to the works) dried up, and the canes were of necessity left and lost. The same cause operated of course, though in a different way, to the injury of the prospects of 1840. The drought lasted four months; the young canes wanted their proper nourishment, and, when ripe, did not yield so much as usual by one-third. The crop of 1840 must therefore, from this cause alone, be expected to be a defi-

cient one as compared with the times of slavery and of apprenticeship; though the returns for the three first quarters show an increase upon the whole over last year's; and, according to the latest accounts,* the increase upon the entire year is expected to be at least 10 per cent.

In the mean time the colony continues to be very prosperous in every way. The deficiency of the crops has been more than made up by the increased prices of sugar: the value of the next crop is estimated at 2000*l.* more than the average value of the crops for 13 years preceding; and the number of estates which have been recently sold for sums considerably larger than they were bought for, or valued at, a few years ago, appears to indicate a confidence in the stability of this prosperity among those persons who are most deeply interested in not over-estimating it. Another proof of this confidence is shown in the applications recently made by proprietors for "second depths," at a price of 1*l.* per acre, by which Governor Light calculated that the sum of 22,000*l.* might be raised. It is also stated that large sums have been laid out in the erection or improvement of cottages on the estates. Plans are in progress for the introduction of canal and trench excavators, to be worked by steam. An Insurance Company and a Steam Navigation Company have their charters under consideration. The import revenues of the colony are in so flourishing a condition, that, in spite of the stoppage of supplies, and without the aid of any taxes except the surplus customs for the six months preceding, the balance in the colonial chest at the end of the year was expected to amount to 62,000 dollars.

These are the most striking indications I have been able to find of the present prosperity and prospects of the planters. How great a reduction in the price of sugar they could bear without positive loss, I cannot ascertain; it is impossible therefore to estimate, upon any sufficient grounds, the chances that this prosperity will last. The danger, however, being apparent, and not to be overlooked, we may reasonably presume that practical planters have taken it into account, and satisfied themselves that it is small.

Of the permanence of the improvement visible in the habits, manners, condition, and prospects of the mass of the population, there is less room for doubt. By all accounts, the change for the better is universal and rapid, and apparently without any material drawback. The worst that can be said is, that the women are working much less than they used to do; that the boys and girls between ten and fifteen are mostly at school, and are afterwards brought up to domestic service or to some trade, instead of performing the light work of the estates; and that the men will not always work "when their pockets are full." But, while they *are* at work they work as well or better than they used to do, and they work enough to enable them not only to eat and drink what they like best, and to dress as well as their masters, but in a great many cases to purchase their acre of land at a cost of 15*l.*, on which to erect a cottage that will cost about 50*l.* Their provision grounds are in better cultivation than they were; the imported produce consumed by them has increased largely; money circulates more extensively; new stores have risen up in great numbers; cottages and hamlets are rising in all directions on plots of land purchased for the purpose by the labourers; marriages and births are on the increase, mortality on the decline; schools and churches more numerous and better attended, the gaols almost empty, and the Courts of Sessions have scarcely anything to do. Two or three cases have occurred in which several labourers have clubbed together and paid down large sums of money for estates with the intention to cultivate sugar on their own account; and these enterprises appear to be regarded as promising, though the fruits have not yet had time to appear.

Trinidad.

Of the general progress and prospects of Trinidad I can find no accounts. The stipendiary magistrates' reports are received regularly, but they are confined to the returns called for by Lord Glenelg, in his circular of October 1, 1838; viz., returns of all ejectments sanctioned by each magistrate, of all persons convicted under the vagrancy law, of all contracts entered into between labourers and employers under the sanction of the magistrate, and of all convictions for breach of contract. These returns arrive regularly, but they are almost all blank. There is no considerable number of cases under any of the heads, and the same may be said of all the colonies in the West Indies.

The information therefore which I have been able to gather from the official reports about the general working of the Free System in Trinidad amounts only to this, that the summary powers confided to the local magistracy do not press at all heavily on the peasantry, and that there is no serious discord between the two classes; for otherwise there would be more complaints. What may be the prospects of the planters, and what change is taking place in the character and condition of the negroes, I cannot learn from the correspondence.

St. Lucia.

Short general reports have been received regularly every month from St. Lucia. The information they convey, though not ample enough to give any very distinct idea of the state of society and the system pursued, is satisfactory so far as it goes. I believe St. Lucia was, in the times of slavery, an impoverished and unprosperous colony, that it has been much refreshed by the compensation money, and is upon the whole a decided gainer by the change; I should hope also that the gain may be regarded as permanent and not accidental, inasmuch as the accidents have been rather against the colony than for it. Both the crops produced since the dissolution of the apprenticeship have been deficient, yet the opinion that the change has been of advantage to both classes appears to be gaining ground.

The labourers were some time in settling down again after the first excitement caused by the dissolution of the apprenticeship, and the consequences were felt in the crop of 1839, the shortness of which is ascribed in great measure to this cause. In the following year, though some unsteadiness was caused at one time by the competition of neighbouring proprietors outbidding each other in wages, I do not find that there was any general complaint of want of labour. The long drought fell on St. Lucia in the latter months of 1839, and spoiled the young canes; the yielding was therefore bad, but what there was was got in quite as well as in other years. There was another alarm of drought in May or June, 1840, but it does not seem to have lasted long or to have done any serious injury. During the latter months of the year the weather was very favourable, the preparations for the ensuing crop very large, and a good return expected. Mr. Bennett (special magistrate) says, that "at no pe-

* See Mr. Young's speech in the Court of Policy, January 8.

riod within the last five years had his district been in a more flourishing condition" than it then was,* viz., in July, 1840; and on the 3rd of October he writes, "Labourers and proprietors are pulling pretty well together, and I am happy to observe a great improvement in the cultivation generally, especially in the sugar estates. Now that the proprietors have to pay for labour, they take care to apply it judiciously: there is no longer that waste and negligence so visible even during the apprenticeship, and many of them are beginning to think that the enfranchisement is as great a blessing to themselves as it is to the negro population,"—a remark which, if generally true, is one of the most satisfactory I have met with; for it was in this respect that the slave-owner lay under a disadvantage, and it is in this direction that the employer of free labour must look for means to indemnify himself for the loss of those other advantages of which he has been deprived.

The conditions of tenancy appear to be generally the same as on other islands,—occupation on sufferance, without any charge for rent, but with an understanding that the occupant is to work for the property. In May an example was set of a better system,—one of the proprietors offering to let his cottages and grounds at a fair rent, independent of all conditions as to labour. But I do not find any further mention of this subject; from which I conclude that the example has not been generally followed.

The effects of freedom in the character of the negroes appear in an improved taste in dress, diet, and lodging,—in greater independence and self-reliance,—in a firmer character, less prone to suspicion, and less liable to be led astray by the example of others. In honesty they are not said to be visibly advanced; they still lie and steal.

Offences, both serious and trifling, are much fewer. The first six months after the dissolution of the apprenticeship were remarkable for a maiden assize. The latest report received states that marriages are becoming much more frequent.

Colonial Office, February 26, 1841.

Table showing the Average Quantity of Sugar imported into Great Britain.

From	During the six Years preceding the Apprenticeship.	During the four Years of the Apprenticeship.	During the first Year of Freedom.
	cwt.	cwt.	cwt.
Antigua* . . .	173,947	143,878	222,689
Barbadoes . .	343,513	409,354	395,109
Dominica . . .	55,539	35,560	29,385
Grenada . . .	200,708	161,327	117,260
Jamaica . . .	1,362,798	1,040,070	765,078
Montserrat . .	22,835	11,130	13,443
Nevis	49,607	28,512	36,466
St. Kitts . . .	104,809	79,266	135,548
St. Lucia . . .	66,828	51,487	50,215
St. Vincent . .	222,732	194,223	151,899
Tobago . . .	93,157	89,331	66,244
Tortola . . .	17,763	12,786	5,249
Trinidad . . .	310,797	295,787	268,669
British Guiana .	874,347	935,849	566,852
Total . . .	3,899,380	3,488,560	2,824,106

* No Apprenticeship in Antigua.

* A subsequent Report states that the coffee crop in this district failed—not exceeding one-fourth of the usual quantity.

No. 174.

Viscount Palmerston to Mr. Dalrymple.

SIR, *Foreign Office, August* 18, 1814.

I HEREWITH transmit to you a copy of a letter and of its enclosurse, received at this office from the Colonial Department, on the subject of a number of Barbadoes negroes, who are said to be held in slavery in Surinam; and I have to desire that you will furnish me with all the information you possess respecting any British subjects held in slavery in that colony, in order that application for their release may be made to the Netherlands Government.

I am, &c.

(Signed) PALMERSTON.

C. J. Dalrymple, Esq.
&c. &c. &c.

First Enclosure in No. 174.

Mr. Stephen to Viscount Leveson.

My Lord, *Colonial Office, August* 5, 1841.

I am directed by Lord John Russell to transmit to your Lordship the copy of a Despatch from Her Majesty's Superintendent of Liberated Africans at the Havana, on the subject of a number of Barbadoes Negroes who are described by Mr. Dalrymple, Her Majesty's Commissioner of Arbitration, as now in Slavery in the Dutch Colony of Surinam. In submitting this Letter for the information of Viscount Palmerston, I am to request that you would move his Lordship to instruct Her Majesty's Commissioners at Surinam to institute inquiries respecting these Negroes, and at the same time to call upon Mr. Dalrymple for such information on the subject as it may be in his power to afford.

I have, &c.

The Right Hon. Viscount Leveson, (Signed) JAMES STEPHEN.
&c. &c. &c.

Second Enclosure in No. 174.

Mr. Turnbull to Lord John Russell.

My Lord, *Havana, June* 28, 1841.

I take the liberty to enclose the copy of a Letter which I addressed a fortnight ago to Her Majesty's Commissioner of Arbitration, Mr. Dalrymple, on the subject of a number of Barbadoes Negroes, who have been described to me by that gentleman as now in slavery in the Dutch Colony in Surinam.

Since the date of that Letter I have repeatedly taken occasion to converse with Mr. Dalrymple on the subject; and having no doubt of the accuracy of his conversational statements, I have the honour to suggest that instructions might be sent to Her Majesty's Commissioners at Surinam to institute some inquiry on the subject; and that Mr. Dalrymple might be called upon officially to communicate in a written form the details which are frequently the subject of his personal observations.

I have, &c.

The Right Hon. Lord John Russell, (Signed) D. TURNBULL.
&c. &c. &c.

Third Enclosure in No. 174.

Mr. Turnbull to C. J. Dalrymple, Esq., Her Majesty's Judge Arbitrator.

My dear Sir, *Havana, June* 14, 1841.

In the course of conversation at my house yesterday evening, you may remember that among the topics brought forward *apropos* of Henry Shirley was that of Her Majesty's subjects held in slavery in foreign countries generally; and as it appears that during your stay at Surinam you had frequent occasion to hear of such cases, to know some individuals personally, and even to employ them, I take the liberty of requesting you to prepare a memorandum of such facts as have come under your knowledge for the use of Lord John Russell, in whose department you must be sensible the greatest interest is felt on this subject.

I venture to add that from your knowledge of Barbadoes in connexion with Surinam, two places from which and to which the system of deportment was pursued with considerable activity, I have no doubt that the information at your command will be peculiarly valuable.

I am, &c.

C. J. Dalrymple, Esq. (Signed) D. TURNBULL.
&c. &c. &c.

(Extract.)

No. 175.

Viscount Palmerston to Her Majesty's Commissioners.

Foreign Office, August 19, 1841.

Your Despatch of the 26th of June last, with its Enclosures, reporting the case of the slave-vessel "*Aguila*," has by my direction been referred to Her Majesty's Advocate-General for his opinion whether the Mixed Court was right in declining jurisdiction in the case; and I shall inform you of that officer's opinion on that point as soon as it shall have been communicated to me.

But with regard to your letter of the 9th of June, to the Captain-General, enclosed in your above-mentioned Despatch, I have to desire that you will forthwith write to the Captain-General, stating that you are ordered by Her Majesty's Government to demand that the negroes so wrecked in the "*Aguila*" may be given over immediately to the care of the Superintendent of Liberated Africans, as they would have been if they had been taken by a British cruizer, and emancipated by decree of the Mixed Commission, in order that they may forthwith be sent to a British colony, where their freedom will be secure; and you will state that you are instructed to make this demand because those negroes are, by the law of Spain, free men, and the Government has, therefore, no right to impose any restraint upon their personal liberty, and because it is well known to everybody that the condition of emancipados, in which those negroes appear to have been placed, differs in no essential respect from the condition of slavery, and is therefore an illegal duress upon free persons, in violation of the true meaning of a Treaty between Great Britain and Spain.

No. 176.

Viscount Palmerston to Her Majesty's Commissioners.

GENTLEMEN, *Foreign Office, August* 20, 1841.

WITH reference to your letter to Mr. Turnbull, of the 12th of June, 1841, a copy of which was enclosed in your Despatch of the 18th of June, I have to desire that you will send to Mr. Turnbull a copy of the letter, which, in pursuance of your conference of the 6th of May with that gentleman, you addressed to the Captain-General of Cuba, on the subject of the negroes emancipated at the Havana under the Treaty of 1817; for a copy of which Mr. Turnbull applied to you in his letter of the 11th of June last.

I am, &c.

(Signed) PALMERSTON.

Her Majesty's Commissioners,
&c. &c. &c.

No. 177.

Viscount Palmerston to Her Majesty's Commissioners.

GENTLEMEN, *Foreign Office, August* 21, 1841.

I HAVE referred your Despatch of the 26th of June, 1841, about the case of the slave-vessel "*Aguila*," to Her Majesty's Advocate-General, and I have now to acquaint you that officer has reported it to be his opinion that the Mixed Court was right in declining to adjudicate on the case of that vessel.

I am, &c.

(Signed) PALMERSTON.

Her Majesty's Commissioners,
&c. &c. &c.

No. 178.

Her Majesty's Commissioners to Viscount Palmerston.

Havana, July 1, 1841.
(*Received September* 2.)

MY LORD,

IN obedience to the Act of Parliament 5 Geo. IV. c. 113, s. 75, we have the honour to transmit a List or Return of the cases which have been

adjudged in the Mixed Commission Court at this place during the six months last past.

We have, &c.
(Signed) J. KENNEDY.
CAMPBELL J. DALRYMPLE.

The Right Hon. Viscount Palmerston, G.C.B.,
&c. &c. &c.

Enclosure in No. 178.

Return of Cases Adjudged in the Mixed Court of Justice at the Havana, within the Half Year ending the 30th June, 1841.

Cases.	Date of Seizure.	Property Seized.	Tonnage per Register.	Tonnage per British Admeasurement.	Seizor.	Date of Sentence.	Decree.	Whether Property has been Sold or Converted, and whether any remains unsold, and in whose hands.
1. Jesus Maria (alias Tres Hermanas).	1840 Dec. 29	Schooner with 252 negroes.	25	34	Commander Hon. Keith Stewart H. M.'s ship "Ringdove."	1841 Jan. 13	Forfeiture.	The vessel has been broken up, and the fragments with all the articles belonging to the vessel have been sold by auction, the proceeds of which are in the hands of the Registrar.
2. Segunda Rosario.	1841 Jan. 27	Schooner with 293 negroes.	85	120	Captain A. Milne, H. M.'s ship, "Cleopatra."	1841 Feb. 18	Forfeiture.	The vessel has been broken up and the fragments with all the articles found on board have been sold by auction, the proceeds of which are in the hands of the Registrar.
3. Aguila .	1841 May 20	Wreck of Brigantine with 413 negroes.	..	..	Civil authorities of the Island.	1841 May 29	That the Mixed Court had no jurisdiction in the case.	

No. 179.

Her Majesty's Commissioners to Viscount Palmerston.

Havana, July 1, 1841.
(Received September 2.)

My Lord,

In obedience to the directions given us in your Lordship's Despatch of the 7th July, 1840, desiring us to transmit half-yearly returns of the number of captured Africans put on board Her Majesty's ship "Romney" during the preceding six months, we have the honour to report that during the last six months there have been 524 Africans put on board that vessel, viz., 240 of those captured in the schooner "*Jesus Maria,*" and 284 of those captured in the "*Segunda Rosario.*"

We have, &c.
(Signed) J. KENNEDY.
CAMPBELL J. DALRYMPLE.

The Right Hon. Viscount Palmerston, G.C.B.,
&c. &c. &c.

No. 180.

Her Majesty's Commissioners to Viscount Palmerston.

Havana, July 24, 1841.
(Received September 2.)

My Lord,

During the last month the following vessels were despatched hence, all

professedly for Monte Video, but we have no doubt whatever of their having in reality sailed for the coast of Africa, and being intended for the Slave Trade.

1st June	For	Monte Video—	Portuguese brig "Gabriel."
11th „		Ditto	Spanish schooner "Numantina."
23rd „		Ditto	Portuguese paylebot "Paquete de Oporto."
25th „		Ditto	Portuguese brig "Duquesa de Braganza."

The last-named vessel is the celebrated "*Venus*," which was, shortly after her last return, published as intended to be, a packet between this place and Santander; but the slave-dealers, seeming to have recovered from the panic caused them on the arrival of the present Captain-General, have continued their former courses. As it is manifest that the orders forbidding slave-vessels to sail hence are evaded by their being despatched ostensibly for other places, we trust some more stringent measure may be adopted to correct the evil; but it is reported that the Captain-General has already written to his Government, tendering his resignation, in which case we should doubt of any effectual measures being for some time taken to suppress the traffic.

During the month we have heard of the arrival of only one vessel, the "*Tres de Febrero*," which is said to have landed about 500 negroes at Guanimar on the 25th of June. If this report be corrrect, the "*Tres de Febrero*," which is recorded as having returned from her last expedition on the 12th of April, must have made the voyage out and back in about two months, a space of time which though not incredible, yet betokens great activity and great resources on the coast of Africa as well as here. Whether, however, from this vessel, or from some other, we have had no doubt of such a landing having been effected; and as the authorities at Guanimar seem to be peculiarly assenting to such offences, we have thought it our duty to call the attention of the Captain-General to the report, with whom our correspondence respecting it, therefore, will have to form the subject of a subsequent Despatch.

We have, &c.

(Signed) J. KENNEDY.
CAMPBELL J. DALRYMPLE.

The Right Hon Viscount Palmerston, G.C.B.,
&c. &c. &c.

No. 181.

Viscount Palmerston to Her Majesty's Commissioners.

Foreign Office, September 3, 1841.

Circular announcing the appointment of the Earl of Aberdeen.

(See No. 36.)

No. 182.

Her Majesty's Commissioners to Viscount Palmerston.

Havana, August 10, 1841.
(*Received October* 7.)

My Lord,

We have the honour to enclose copies of a correspondence we have had with the Captain-General of this island, respecting the landing of a number of negroes at Guanimar, on the South Coast, from the slave vessel "*Tres de Febrero.*" This landing, we were informed, was effected on the 25th of June, and the number landed was said to be 500. In this particular, however, we have since had reason to believe that it was not much more than 300, and with respect to the date also it appears there was an error, inasmuch as it was proved on inquiry that the vessel entered this harbour on the 26th of June, and therefore could not be supposed to have landed such a cargo at Guanimar on the day before. But on our information, which was evidently substantially correct, we addressed a letter to the Captain-General, representing the circumstances, and urging him to make inquiry, not through the means of the local

authorities, who would of course return a report to shield their own misdeeds, but by some officer deserving of his Excellency's confidence.

This proposition his Excellency acceded to, and informed us that the person commissioned to make the inquiry was further instructed, in accordance with our suggestions, to inquire also generally into the conduct of the local authorities at Guanimar, who, we were assured, were guilty of conniving at the conduct of the slave-traders, not only in this, but also in several other cases that had come to our knowledge.

On the 29th of July the Captain-General addressed us a final letter, stating that upon the report of the person commissioned to make the inquiry, no such landing as alleged had taken place, and that consequently no blame attached to the local authorities at Guanimar. His Excellency further informed us, of the fact of which we had been previously ignorant, that the "*Tres de Febrero*" entered here on the 26th of June, and therefore that it was humanly impossible for such a cargo to have been landed from that vessel at Guanimar the day before. This we were willing to admit, and in our answer observed, that it was impossible to suppose that our information could be obtained directly from the parties concerned, and, consequently, that it might be erroneous in minor details. But, as his Excellency added, that the "*Tres de Febrero*" had entered from San Tomé, one of the most notorious slave marts, we felt assured that our denunciation was substantially just. The very words of the report indeed, as to be judged from his Excellency's reply, afford a presumption of this fact, for though no such landing had been effected from that vessel on that particular day, yet it raises a conviction that some landing about that time might have taken place, and remained undenied.

There are now, we find, two vessels named the "*Tres de Febrero*," which both sailed hence in the last month, ostensibly for Monte Video, evidently to mislead the British cruizers, though common report ascribes their destination, and we have no doubt justly, for the Coast of Africa. As this practice seems to be new established of despatching slave vessels ostensibly for Monte Video, to evade the orders of the Captain-General forbidding the traffic direct with Africa, we have taken an opportunity of calling the attention of his Excellency to this subject, which will, therefore, have to be reported in a subsequent Despatch.

We have, &c.
(Signed) J. KENNEDY.
CAMPBELL J. DALRYMPLE.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

First Enclosure in No. 182.

Her Majesty's Commissioners to the Captain-General.

MOST EXCELLENT SIR, *Havana, July* 12, 1841.

WE have received information on which we can rely, that on the 25th of last month there were landed at Guanimar about 500 negroes from a slave vessel called the "*Tres de Febrero*," which, though sailing under the Portuguese flag, is notoriously the property of certain slave-trading parties at this place, of whom one Don José Mazorra is the principal.

For the arrival here of the "*Tres de Febrero*" we have been for some time watching; but as she has not yet entered the harbour, we suspect that the parties engaged in the illicit traffic have determined on using some of the minor ports of the island for carrying on their evil practices, where they may be removed from your Excellency's immediate supervision, and be under that of some of the inferior or local authorities, whose administration of the laws may be more accommodating to their purposes. Of such authorities, those at Guanimar evidently form the first requiring an examination into their conduct, as to how far they have lent themselves to such infractions of the law; and we therefore beg to submit to your Excellency the advisability, while inquiring into the circumstances alleged, at the same time to cause it to be made by other officers than those of the district, namely, by persons deserving of your Excellency's confidence, and who may take all the circumstances into proper consideration.

We have, &c.
(Signed) J. KENNEDY.
C. J. DALRYMPLE.

His Excellency the Captain-General,
&c. &c. &c.

Second Enclosure in No. 182.

(Translation.) *The Captain-General to Her Majesty's Commissioners.*

GENTLEMEN, *Havana, July* 15, 1841.

I HAVE received your communication of the 12th instant, relative to the disembarkation of 500 negroes, which is said to have been effected at Guanimar, from a brigantine under Portuguese colours, called "*Tres de Febrero*;" and although I have no knowledge of such a circumstance, appreciating duly your communication, and the indications you have been pleased to make, I have commissioned a person of confidence to go to that point and proceed in the search, as well upon the disembarkation of negroes as the conduct of the local authorities in the case denounced, of the results of which I will give you notice.

God preserve you many years.

Her Majesty's Commissioners, (Signed) GERONIMO VALDES.
&c. &c. &c.

Third Enclosure in No. 182.

(Translation.) *The Captain-General to Her Majesty's Commissioners.*

GENTLEMEN, *Havana, July* 29, 1841.

HAVING used the most active and efficacious diligence in ascertaining the certainty of the denunciation you addressed to me on the 12th instant respecting the disembarkation of 500 Africans at Guanimar on the 25th of last month, from the Portuguese brig "*Tres de Febrero,*" I have before me the report made by the Commissioner I named for that purpose, and to inquire into the conduct of the local authorities of that district; and from this it results that no such landing had happened on that coast, and that no ground of blame arises against the authorities of whom it reports, as to the circumstance respecting which we are occupied.

It appears also at the same time, from the office of the captain of the port, that the "*Tres de Febrero*" entered in here on the 26th of the same month of June last, with declaration of arrival from San Tomé, and this fact alone proves the accuracy of the Commissioner, since considering the distance intervening betwixt the two ports and the situation on opposite coasts, it is humanly impossible that it could have entered here on that day, having made such a disembarkation at Guanimar on the day before. The which I have the satisfaction of communicating to you, Gentlemen, in sequence of what I stated to you in my answer of the 15th instant.

God preserve you many years.

Her Majesty's Commissioners, (Signed) GERONIMO VALDES.
&c. &c. &c.

Fourth Enclosure in No. 182.

Her Majesty's Commissioners to the Captain-General.

MOST EXCELLENT SIR, *Havana, August* 2, 1841.

WE have had the honour to receive your Excellency's Letter of the 29th July, communicating the result of the inquiries instituted in consequence of our denunciation respecting the landing of 500 Africans on the 25th June, from the Portuguese brig "*Tres de Febrero,*" at Guanimar. From those inquiries your Excellency states that it appears no such landing had taken place, observing further that the "*Tres de Febrero*" entered here on the 26th of June, with a declaration of arrival from San Tomé, and therefore that it was impossible for such a landing to have been effected from that vessel at Guanimar on the day before.

As it must be obvious that our information seldom can immediately proceed from the parties interested, who alone can be able to give it correctly, we are ready to admit that in this case there may have been an error in the date. But as the "*Tres de Febrero*" is reported at the captain of the port's office to have entered on the 26th of June from San Tomé, a notorious slave mart, surely that fact affords a strong corroboration of the charge that such a landing had been effected from that vessel a short time previously. We fear, therefore, that the allegation has not been met in the manner it should have been, and that your Excellency's desire to maintain a due observance of the laws has not in this matter been responded to proportionally.

We have, &c.
(Signed) J. KENNEDY.
C. J. DALRYMPLE.

His Excellency the Captain-General,
&c. &c. &c.

No. 183.

Her Majesty's Commissioners to Viscount Palmerston.

Havana, August 18, 1841.
(*Received October* 7.)

MY LORD,

WE have the honour to enclose a copy of a communication addressed by

the Captain-General of the island to the Mixed Court of Justice, informing us of the Regent of Spain having been pleased to approve of the acceptance of the resignations by the Conde de Fernandina and the Brigadier Don Juan Montalvo y O'Farrill, of their respective offices as Commissary Judge and Commissioner of Arbitration, and also of his Highness having appointed to replace them, the most excellent the Marquis de Esteva and the Brigadier Don Francisco Illas, as Commissary Judge and Commissioner of Arbitration. The new Commissioners took the oaths as required by the Treaty on the 16th instant, entering on the discharge of their duties. Don Francisco Illas was formerly Governor of Santiago de Cuba, and is an officer of high consideration; of the expected appointment of the Marquis de Esteva, we have previously informed your Lordship in our Despatch, dated the 26th of April last.

We have, &c.

(Signed) J. KENNEDY.
CAMPBELL J. DALRYMPLE.

The Right Hon. Viscount Palmerston, G.C.B.,
&c. &c. &c.

First Enclosure in No. 183.

(Translation.) *The Captain-General to the Mixed Court.*

GENTLEMEN, *Havana, August* 12, 1841.

BY Royal Order of the 23rd June of this year, his Excellency the Chief Secretary of State informs me as follows of his Despatch:—

"Most Excellent Sir,—I have made report to the Regent of the kingdom of the Despatch, No. 72, of March last, in which your Excellency's predecessor communicated the resignation which the Conde de Fernandina had made of the office of Commissary Judge of the Mixed Court of Justice entrusted to him, and of your Excellency's Despatch, No. 6, of the 22d April last, stating that the Brigadier Don Juan Montalvo y O'Farrill had also made renunciation of the office of Arbitrator in the said Court, and of the charge of Commissary Judge provisionally conferred on him; for that their bad state of health did not permit either of them to continue in the fulfilment of those duties. His Highness, informed of the reasons which induced your Excellency, as well as the Prince de Anglona, to accept of both resignations, has been pleased to approve of them; remaining highly satisfied of the impartiality, rectitude, and zeal with which they have discharged the important offices committed to them. At the same time he has been pleased to appoint the Marquis de Esteva, whom your Excellency proposed, as Commissary Judge of the Mixed Court of Justice established in Havana, by virtue of the Treaty concluded with England in 1835 for the suppression of Slave Trade; and the Brigadier Don Francisco Illas, as Commissioner of Arbitration in the said tribunal, in the same manner that the other persons discharged those duties.

"By order of the Regent of the kingdom, I communicate this to your Excellency for your information and consequent measures."

The which I transmit to you, Gentlemen, for your knowledge.

God preserve you many years.

(Signed) GERONIMO VALDES.

To the Mixed Court of Justice.

Second Enclosure in No. 183.

(Translation.) *The Mixed Court of Justice to the Captain-General.*

MOST EXCELLENT SIR, *Havana, August* 13, 1841.

WE have received the official communication of yesterday's date, in which your Excellency has been pleased to transcribe for us the Royal Order of the 23rd June last, by which his Excellency the Chief Secretary of State communicates in his Despatch, of his Highness the Regent of the kingdom having deigned to approve the acceptance of the resignation of their Excellencies the Conde de Fernandina and Don Juan Montalvo y O'Farrill, the offices of Commissary Judge and Arbitrator of this Mixed Court of Justice, and to appoint, to replace them, the most excellent the Marquis de Esteva and the Brigadier Don Francisco Illas, of which communication we hold ourselves informed for its due fulfilment.

God preserve your Excellency many years.

(Signed) J. KENNEDY.
C. J. DALYMPLE.

(Signed) JOSE MARIA PINAZO.

His Excellency the Captain-General,
&c. &c. &c.

No. 184.

Her Majesty's Commissioners to Viscount Palmerston.

Havana, August 20, 1841
(*Received October* 7.)

MY LORD,

DURING the last month we have not heard of the arrival of any vessel at this place from the coast of Africa, but we understand that one named the "*Estrella*" landed a cargo of negroes on the south side of the island on the 25th. We have learned also that on the 19th a schooner named the "*Aurelia,*" Feliz, captain, under Portuguese colours, arrived at Santiago de Cuba, announced in the papers as from Visao, in 26 days in ballast, though having previously landed about 220 Africans in the neighbourhood.

The following vessels have been despatched hence during the month, ostensibly all for Monte Video, but we have no doubt of their being in reality intended for Slave Trade.

3rd July	For Monte Video—Portuguese brig		"Trovao."
17th „	Ditto	Ditto	"Tres de Febrero."
23rd „	Ditto	Ditto	"Tres de Febrero."

It may be proper to repeat that there are two vessels bearing this singular name, and that they have sailed thus almost together evidently to mislead or perplex the cruizers.

The Captain-General, we are satisfied to learn, has been for some time engaged in gathering together the scattered individuals of the emancipado class throughout the island. Thirty-seven have been collected from the country round, and delivered up to the Casa de Beneficencia, in obedience to his Excellency's orders, by the Captain of the district in which we reside; and from a private letter we have received from Her Majesty's Consul at Santiago de Cuba, we learn that a number of those engaged in the copper-mines at that place have in like manner been returned, having sailed thence for Havana on the 18th ultimo. We trust these circumstances are indications of the intention of this Government, either to restore to the emancipados their full liberty, or to allow them the option of being sent to a British colony.

We have, &c.
(Signed) J. KENNEDY.
CAMPBELL J. DALRYMPLE.

The Right Hon. Viscount Palmerston, G.C.B.,
&c. &c. &c.

(Extract.)

No. 185.

Her Majesty's Commissioners to Viscount Palmerston.

Havana, August 25, 1841.
(*Received October* 7.)

WE have the honour to submit to your Lordship the enclosed copies of a correspondence we have had with the Captain-General of this island, under the following circumstances:—

On the 7th instant his Excellency addressed us a letter, informing us that he had received two communications from Her Majesty's Consul, Mr. Turnbull, stating that there were several vessels prepared in this harbour, which had sailed, or were about to sail, to be engaged in Slave Trade, and of which he specified the "*Invincible,*" and several others. Upon these his Excellency observed that he had inquired into the facts alleged, and that upon such inquiry it proved there was not then, nor had there sailed hence, any vessel under the Portuguese flag, named the "*Invincible,*" while with regard to the others, it was shown, that they had sailed engaged in lawful commerce for different places.

At the time of our receiving this letter from the Captain-General, we were about addressing him on the subject of so many vessels sailing hence ostensibly for Monte Video, but which were notoriously intended for Slave Trade; and we therefore, in acknowledging his communication of the 9th, and assuring him we would transmit it to your Lordship, took the opportunity of calling his atten-

tion to this evasion of his orders, which had strictly forbidden the trade with Africa. The fact seems to be, that the traders, in fitting out the vessels here, calculate on bribing some of the local authorities to allow of the negroes being clandestinely landed at a distance, as at Guanimar, whence they can be transferred readily to the different estates requiring them, and the shape of the island we need scarcely observe renders such a trade, with such local authorities, extremely easy to be carried on. Slave-vessels thus coming, upon an understanding with the people on shore, may land their cargoes with impunity, but if they happen, as in the case of the "*Aguila*," to come to where no previous concert has been had with the authorities, will probably be liable to have their negroes seized.

In our answer therefore of the 9th instant, we represented to his Excellency, that in the month of June four vessels had cleared out ostensibly for Monte Video, and three in July, all notoriously formerly engaged in Slave Trade, and by common report believed to be now again despatched with that destination; and we suggested to his Excellency that stricter orders should be given to the Spanish ships of war to search all vessels, no matter where they should declare themselves to be destined for, in order that if they were found equipped so as to render them liable to be seized under Article X. of the Treaty of 1335, then they might be brought for adjudication before the Mixed Court. We represented that the Spanish naval force was much superior to any that the British Government ever had on these coasts, and now that it was increased by two steam ships, the escape of the slave-vessels might easily be prevented. We represented also the fact, that during the twenty years that the Mixed Court has been established at this place, there has not been one case of a slave-vessel condemned captured by a Spanish cruiser, though it is well known there have been several hundreds that have sailed hence, and nearly one hundred cases of such have been actually brought before it by British cruizers, to say nothing of those taken to Sierra Leone.

These representations of ours the Captain-General transmitted to the Commandant-General of Marine, whose observations in reply his Excellency communicated to us in his final letter of the 19th, containing excuses for the inactivity of the Spanish naval force, in prosecuting the Slave Trade, on account of their having other duties to execute, to which the Captain-General added that the expenses consequent upon the keeping his two steam-ships in movement, would prevent his employing them for the same object in the present state of the Spanish treasury.

In our reply of the 21st we had it only left us to regret that any obstacles should be found existing to prevent that more active employment of the naval force of the island which we thought we had now good reason to expect. We feel assured that the slave traders never will believe the Government to be sincere in its wish to put down the trade, until they themselves make some signal example of the offenders against the laws in this particular, and we therefore will not fail to take every opportunity of impressing this conviction upon his Excellency's attention.

First Enclosure in No. 185.

(Translation.) *The Captain-General to Her Majesty's Commissioners.*

GENTLEMEN, *Havana, August* 7, 1841.

ON the 31st July last the Consul of Her Britannic Majesty denounced to me that there were preparing in this port the brigantine "*Invincible*," the "*Pampero*," and other vessels intended for the Coast of Africa, and on the 2nd instant communicated the sailing of the first under the Portuguese flag, completely armed and fitted for the illicit traffic.

On those dates I forwarded both the communications to his Excellency the Commandant-General of Marine for his information, by whose authority on the 3rd and 5th instant I am assured that there does not exist, nor has there sailed, any Portuguese vessel under the name of the "*Invincible;*" that the "*Pampero*" and the schooner "*Mariana*" are at present careening, and are intended for trade with the Peninsula; and that, of the other vessels, it only appears in the office of the captain of the port, that one Spanish polacra, named "*Venus*," sailed for Barcelona, and two Portuguese brigs, named "*Tres de Febrero*," for Monte Video, with effects, passed at the Custom House, and with all the requisite precautions.

Although, notwithstanding that, from the tenor of the Treaties, I do not recognise in the British Consul any authority for these officious denunciations, and that according to this just and lawful principle I have made him to understand, both in writing and practically, that I shall not satisfy him

respecting them, I do not for this neglect to make use of what I consider conformable to the clear benefits which the two high contracting powers have proposed, and a proof are these same investigations, which I have believed fit to bring to your knowledge for the purpose of avoiding the mistaken conceptions that the vehemence with which Mr. Turnbull enters into these matters might give room for.

God preserve you many years.

Her Majesty's Commissioners, &c. &c. &c.

(Signed) GERONIMO VALDES.

Second Enclosure in No. 185.

Her Majesty's Commissioners to the Captain-General.

MOST EXCELLENT SIR, *Havana, August* 9, 1841.

WE have received your Excellency's Letter of the 7th instant respecting the denunciations made by Her Britannic Majesty's Consul of several vessels fitting out in this port, suspected of being intended for Slave Trade; and your Excellency is pleased to inform us of the result of the investigations made as to those vessels, on the ground of being unable to acknowledge any authority for the Consul to interfere, though anxious to avoid giving cause for any misconception in consequence. We beg to express our acknowledgments for this further proof of your Excellency's desire to carry the objects of the Treaties into due effect, and will not fail fully to represent to the British Government your Excellency's views on the subject.

We cannot, however, at the same time but regret that your Excellency's individual desire to suppress the traffic should be so ill responded to by the subordinate authorities of the island. Public rumour certainly points out a great number of vessels that have lately sailed, or are about sailing hence, as being intended for Slave Trade, though ostensibly despatched as for other places. Thus in the month of June four vessels were despatched for Monte Video, namely, the "*Gabriel*," the "*Paquete de Oporto*," and the "*Duquesa de Braganza*," under the Portuguese flag, and the "*Numantina*" under the Spanish, which have formerly been notoriously engaged in the Slave Trade, and are universally believed to have even now sailed with that destination. Again, in the month of July last past, three vessels have sailed under the Portuguese flag, namely, the "*Trovao*," and two under the same name of "*Tres de Febrero*," belonging to the slave-trading parties, of whom Don José Mazorra is reported the principal, respecting which the same belief is entertained. We have no doubt justly, and the very circumstance of two vessels sailing almost together under the same singular name raises a presumption against the parties of intending to mislead, if not to mock, the endeavours of the two high contracting powers to put an end to so disgraceful a traffic. In the present month we have heard of the "*Pampero*," the "*San Pedro*," and some others, as intended for the Coast of Africa; and though our information at present respecting them is too imperfect to admit of our entering into any details, we believe we can assert with perfect truth that the trade is at present going on here with undiminished force.

Under these circumstances, if your Excellency will permit us to offer any suggestion, we would beg to point out the remarkable fact, that during the 20 years which the Mixed Court has been established at this place, there has not been one slave vessel condemned captured by a Spanish cruizer. Yet during that time many hundred slave vessels have sailed from this island; and nearly a hundred cases of such vessels, captured by British cruizers, have been brought before the Court. Nor was this owing to any want of power in the Spanish Marine, for the local force is certainly superior to any the British Government ever has on these coasts. We would, therefore, beg your Excellency will give renewed orders to the Marine Deparment, strengthened as it has lately been by two large steam frigates, to be supplied with the necessary instructions, if they have them not already, to search all vessels going out hence, no matter where they may be said to be destined. By this means, if any should be found equipped in the manner pointed out by Article X. of the Treaty of 1835, as rendering them liable to condemnation, they may be brought before the Mixed Court, and full assurance be afforded of the sincerity of this Government to maintain its authority.

We have, &c.

(Signed) J. KENNEDY.
C. J. DALRYMPLE.

His Excellency the Captain-General, &c. &c. &c.

Third Enclosure in No. 185.

(Translation.) *The Captain-General to Her Majesty's Commissioners.*

GENTLEMEN, *Havana, August* 19, 1841.

I HAVE received the communication of the 9th instant, which you have been pleased to address to me relative to the information of the 7th, which I gave you as to the result of the investigations, taken in consequence of the denunciation made by the Consul of Her Britannic Majesty on the 31st July last, of there being in this port several vessels fitting out, suspected of being intended for Slave Trade; and in answer I return you due thanks for the personal deference which you show me, assuring you that for my part I do not, and will not, overlook any means of making effective the strict observance and fulfilment of the Treaties, though as little can I forbear observing to you, that however great may be my desires and feelings, it is not possible for me to go beyond the legal course, having for as much to judge according to what results from the inquiries instituted in the respective cases, with all the forms which the laws require; and you, Gentlemen, have yourselves given a noble and honourable proof of how much you also respect the exact and lawful fulfilment of the Treaties, or rather of the laws which relate to that particular, in the fact of your refusing to adjudicate on the seizure of the brigantine "*Aguila*," when I had in reality submitted it to your deliberation.

To proceed with all caution and knowledge of the matter respecting your communication, I thought it proper to transmit it to his Excellency the Commandant-General of Marine, requesting him to advise me respecting it, which he has done in the manner as in continuation is expressed, leaving it me only to assure you that it would be a very gratifying power for me to employ the steam ships of this station in the prosecution of slave vessels; but much to my regret, the great attentions which must engage these ships prevent me, adding to them the wants and demands existing on the Spanish Treasury, as you, Gentlemen, well know will not allow of maintaining the great expense which the steamers cause by being always in movement:—

"Most Excellent Sir,—Informed of the communication of the 9th instant, which the British Commissioners of the Mixed Court of Justice established at this place, addressed to your Excellency, which your Excellency has been pleased to transmit to me translated into our language, with your note of the 11th, for advising you what I should have to offer and suggest respecting the particulars it embraces, with the fulness and weight its importance requires, I have the honour of expounding to your Excellency the following: By my notes of the 3rd and 5th instant, and others preceding, answering those relative to the particulars to which the British Commissioners make reference of the sailing of vessels which they say are destined for the reprobated trade in slaves, I have transmitted to your Excellency what the captain of the port has informed me, referring to the registers of his office, which categorically express that the referred vessels had sailed, legally passed at the Custom House, with cargoes of lawful commerce; and that with respect to the others, which also they say are soon to sail and prepared to be employed in that reprobated traffic, the captain of the port also informed me, what I in my before-mentioned communications repeated to your Excellency, and to which particulars I have nothing more to add. The vessels of war of this station have performed their cruises and other duties which are to their charge, with the exactitude that the service demands entrusted to them, which certainly is not limited to the prosecution of the Slave Trade, because there are many and very varied the duties of those vessels on the coasts of this island and abroad. The vessels of Her Britannic Majesty destined to the exclusive service of putting down the Slave Trade of this island, place themselves in determinate positions of necessary transit or passage, and all that is not of this peculiar attention, they see as very subordinate and extremely accidental. The most worthy Generals of Marine, my predecessors, Laborde and Topete, acknowledged on many occasions during their distinguished command that the activity, acquirements, zeal, and fidelity with which they performed their duties were superior to all praise; and I am certain that if one from the tomb, and the other from 2000 leagues distance, could answer the writing in which I am engaged, they would do it in the feeling in which it is due with victorious results. In respect of the period of my actual command, I am satisfied of the conduct of the commanders, my subordinates; and if fate has willed it, that during the twenty years in which the Mixed Commission has been established in this place, there has not been any vessel condemned taken by a Spanish cruizer, and that about a hundred cases of those vessels have been brought by British cruizers before the Court, that should not say the Spanish force failed in its duties, because no one can be responsible for those things which happen at sea, subject to the least accidents which mock the most zealous and experienced sailor, even when he has no other object than that of suppressing this abominable traffic, as exclusively happens to the English cruizers; and if from those have escaped those *many hundreds* of vessels which are said to have sailed from this island to be engaged in the traffic for negroes, why should not the same happen, and with greater reason, to the Spanish vessels of war which plough the waves of the island of Cuba, and are otherwise occupied in other duties, and cruise to great distances from it? The vital interest of every administration, and that of commerce of good faith, has also been the prosecution and extinction of contraband, adopting many restrictive measures which have appeared most proper and efficacious for its quick and complete success, but which, notwithstanding these fiscal dispositions and the sacrifices put in practice to extinguish it, has not been able to follow it to the precise extent necessary and proper for the happiness and wealth of nations, because that so great is the avarice and demoralization of man, and hence cannot be drawn the erroneous conclusion of the inefficiency of the measures adopted, nor of the sacrifices made for the purpose of obtaining its extinction. Being what I have to state to your Excellency in answer to your said official note."

God preserve you many years.

(Signed) GERONIMO VALDES.

Her Majesty's Commissioners,
&c. &c. &c.

Fourth Enclosure in No. 185.

Her Majesty's Commissioners to the Captain-General.

MOST EXCELLENT SIR, *Havana, August* 21, 1841.

WE have had the honour to receive your Excellency's Letter of the 19th, transcribing us the reply of the Commandant-General of Marine, in answer to our Letter of the 9th instant, requesting the active employment of the naval force of this island to put down the Slave Trade.

We regret to find that there should exist any obstacles to effect this object, and assure your Excellency that our utmost desire tends only to a due and honourable maintenance of the authority of your Excellency's Government.

We have, &c.

(Signed) J. KENNEDY.
C. J. DALRYMPLE.

His Excellency the Captain-General,
&c. &c. &c.

(Extract.) No. 186.

Her Majesty's Commissioners to Viscount Palmerston.

Havana, September 13, 1841.
(*Received October* 11.)

We have the honour to enclose copies of two other letters we have received from the Captain-General of this island, informing us of some further denunciations addressed to him by Her Majesty's Consul at this place, of vessels having sailed, or preparing to sail, intended for the Slave Trade.

In the first letter, dated the 28th of August, His Excellency stated that Mr. Turnbull had denounced two vessels—one the "*Pampero*," as having sailed, and the other, the "*Mariana*," as about to sail, for the prohibited traffic; but that upon inquiry it proved no vessel had sailed by the name of the "*Pampero*," and that the "*Mariana*" was intended for lawful commerce, so much so that the merchant, upon the search of her being made, had presented a memorial to His Excellency complaining of the imputation, and asking public redress.

In our answer of the same date we observed that the "*Pampero*" was probably the same as the "*San Pedro*," which had been despatched at the beginning of the month for San Pablo de Loanda, and was no doubt intended for the Slave Trade. With regard to the "*Mariana*" we had no information, but have since learned that the consignee is a merchant of considerable business, and not implicated in Slave Trading.

In the second letter, dated the 9th instant, His Excellency stated that Mr. Turnbull had denounced two vessels as preparing for the Slave Trade—the "*Paz*" and the "*Vapor*"—but that upon investigation by his orders it appeared, from the report of the Commandant-General of Marine, that there were no grounds at present for suspecting them of such a destination. In our answer we observed that the "*Paz*" was despatched ostensibly for Monte Video, but that we had no doubt of its being intended for the Slave Trade, as it was notorious here, though probably unknown to His Excellency, that a cargo of about 400 negroes was landed from that vessel at or near Guanimar, on or about the 1st of August last, thus affording another proof of the character of the authorities at Guanimar. We added, that if such practices were continued thus to be permitted, it was manifest that the two high contracting powers would be bound in honour, in vindication of their authority, to have recourse to other measures more powerful, and which, but for such practices, they would not have adopted.

First Enclosure in No. 186.

(Translation.) *The Captain-General to Her Majesty's Commissioners.*

Gentlemen, *Havana, August* 28, 1841.

On the 21st instant Her Britannic Majesty's Consul informed me that a vessel anchored at Casa Blanca (whose name he did not mention), completely fitted for the Slave Trade, was nearly ready to sail, destined for the Cape Verds, for the purpose of there obtaining and enforcing her crew before receiving a cargo of negroes, adding, that the slave-vessel "*Pampero*," of whose fitting out he had made a denunciation, had been permitted to sail for her criminal destination.

In a former communication which I addressed to you respecting the results of another similar denunciation, I stated that, though I could not recognise in the Consul any authority for such officiousness, I would not neglect to make use of them, and order an investigation of the facts; and from that I have just made, it results that the vessel to which the Consul alludes is the brigantine "*Mariana*," despatched according to law at the Custom House for Buena Vista with a cargo of produce of the country, and a crew of eight men, without there appearing from the knowledge obtained the slightest suspicious indication against the consignee, who is injured in the most delicate respect that a merchant can be, that is, in his credit; and he has presented himself to this Government, protesting in form against the Consul for the damage and prejudice which his unfounded denunciation causes to his interests, and the mercantile reputation of his house, seeking a public satisfaction and corresponding indemnification; and with respect to the "*Pampero*," there is no appearance in the office of the captain of the port of the sailing of such a vessel.

A result so contrary to the allegation shows that the agents of the Consul, knowing his susceptibility in this particular, abuse it, and compromise him thus further than his Consular attributes permit, giving occasion to constant embarrassments and vexations that do not harmonise with the beneficial ends to which the strict alliance and friendship between our respective governments and countries are directed. And desiring notwithstanding to contribute to that as much as depends on me, and deprecating whatever mistaken conception might be occasioned by such inaccuracies on the part of Mr. Turnbull, is what I have considered right to inform you, Gentlemen, of this matter.

With this motive I repeat to you my personal considerations, and pray God you may live many years.

(Signed) GERONIMO VALDES.

Her Majesty's Commissioners,
&c. &c. &c.

Second Enclosure in No. 186.

Her Majesty's Commissioners to the Captain-General.

MOST EXCELLENT SIR, *Havana, August* 28, 1841.

WE have had the honour to receive your Excellency's letter of this date, informing us of a denunciation made the 21st instant by Her Britannic Majesty's Consul, of a vessel lying at Casa Blanca, as being intended for Slave Trade, and of the results of an inquiry which your Excellency had instituted respecting it, showing that the allegation was unfounded, and that the consignee had protested against it in form, seeking public satisfaction and correspondent indemnification for the injury it had occasioned his credit as a merchant; of all which circumstances we will duly make report to Her Britannic Majesty's Government.

We would, however, observe that the "*Pampero*" may probably be the Spanish brigantine "*San Pedro,*" which was despatched the beginning of this month for San Pablo de Loanda.

We have, &c.
(Signed) J. KENNEDY.
C. J. DALRYMPLE.

His Excellency the Captain-General,
&c. &c. &c.

Third Enclosure in No. 186.

(Translation.) *The Captain-General to Her Majesty s Commissioners.*

GENTLEMEN, *Havana, September* 9, 1841.

THE Consul of Her Britannic Majesty on the 29th August last denounced to this Government that there were preparing for the reprobated traffic with Africa the schooner "*Paz,*" and the brig "*Vapor.*" Having intrusted the investigation to the Commandant-General of Marine, he informs me that both vessels are preparing for sea; but being ignorant of the destination intended to give them, there is no ground at present for such alleged suspicion.

And conformably to what I have intimated to you, Gentlemen, in other communications of the same nature, I transmit to you this information.

God preserve you many years.
(Signed) GERONIMO VALDES.

Her Majesty's Commissioners,
&c. &c. &c.

Fourth Enclosure in No. 186.

Her Majesty's Commissioners to the Captain-General.

MOST EXCELLENT SIR, *Havana, September* 10, 1841.

WE have received your official communication of yesterday's date informing us of Her Britannic Majesty's Consul having denounced the vessels "*Paz*" and "*Vapor,*" as preparing for Slave Trade, and that the Commandant-General of Marine, having been intrusted with the inquiry, had reported that there was no ground at present for the alleged suspicion.

We will not fail to make known to Her Majesty's Government your Excellency's attention to these subjects; at the same time we take the opportunity of observing, that we understand the "*Paz*" has since sailed, ostensibly for Monte Video, but by current belief to the Coast of Africa. Of this destination we fear there is no doubt, especially as it is well known here, though probably not by your Excellency, that on or about the 1st August last this same vessel landed at Guanimar, or in that neighbourhood, about 400 negroes, on account of the notorious slave-trading house of P. Martinez and Co., thus affording another proof of the character of the authorities at Guanimar.

We fear the investigations made under the orders of the Commandant-General of Marine are unworthy of your Excellency's reliance, and must observe that if such practices are longer permitted, it is manifest that the two high contracting powers will be bound in honour, in vindication of their authority, to have recourse to measures more powerful, and of a character which, but for such continued practices, they would be reluctant to adopt.

We have, &c.
(Signed) J. KENNEDY.
C. J. DALRYMPLE.

His Excellency the Captain-General,
&c. &c. &c.

No. 187.

Her Majesty's Commissioners to Viscount Palmerston.

Havana, September 15, 1841.

MY LORD, (*Received October* 11.)

DURING the last month we are informed the following vessels were despatched hence, suspected of being intended for the Slave Trade:—

5th August.—For San Pablo de Loanda, the Spanish brig "San Pedro."
13th „ For Monte Video, the Portuguese schooner "Hercules."

In the same period there arrived, on the 1st of August, the schooner "*Paz*," and landed upwards of 400 negroes at Guanimar, on account of Don P. Martinez and Co.; and, on the 16th of August, the Portuguese schooner "*Pilota*," reported to have returned without negroes.

From these circumstances it appears that the trade continues in fact unrepressed, but it bears evidently more of a contraband character as respects the arrivals; and, with regard to the vessels despatched, we understand they are equipped in a manner not to subject them to condemnation under Article X. of the Treaty of 1835, so that the authorities here have no ground for preventing their sailing. The equipments and stores for their return voyage, with a cargo of slaves, must therefore be obtained on the coast of Africa.

A very considerable excitement has prevailed here during the past month in consequence of information received that your Lordship had demanded, of the Spanish Government, the liberation of all slaves introduced into the island since the year 1820. So righteous a measure must be hailed with the utmost gratification by all who wish the happiness of the human race, and would go far to efface slavery itself from this country. The proposition has roused every individual here to a sense of the evil consequences attending the further prosecution of the trade; and if it has no other effect than that of stopping these continued malpractices, we should receive it with the utmost satisfaction.

We have, &c.
(Signed) J. KENNEDY.
CAMPBELL J. DALRYMPLE.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

No. 188.

The Earl of Aberdeen to Her Majesty's Commissioners.

GENTLEMEN, *Foreign Office, October* 29, 1841.

WITH reference to your Despatch of the 5th of March last, containing a correspondence you had had with the Governor-General of the island of Cuba, respecting a large importation of negroes from Africa into that island, I herewith transmit to you, for your information, the accompanying copies of correspondence which has passed between this office and Her Majesty's Envoy at Madrid upon that subject.

I am, &c.
(Signed) ABERDEEN.

Her Majesty's Commissioners,
&c. &c. &c.

Enclosures in No. 188.

No. 189.

The Earl of Aberdeen to Her Majesty's Commissioners.

Foreign Office, October 30, 1841.

Circular sending Papers presented to Parliament.
(See No. 46.)

No. 190.

Her Majesty's Commissioners to Viscount Palmerston.

Havana, October 18, 1841.
(*Received December* 6.)

My Lord,

During the last month the following named vessels have been reported to us as having been despatched hence to be engaged in Slave Trade, though ostensibly for ports of South America.

September 7. For Buenos Ayres, Portuguese schooner "Paz."
„ 10. For Monte Video, „ „ "Nassimiento."

The only vessel that has been reported to us as having arrived is the schooner "*Volador*," which entered the harbour on the 29th under Portuguese colours, having some time previously landed at Guanimar, on account of Don Pedro Blanco, 238 negroes. The circumstances attending this vessel we took occasion at the time to bring before the notice of the Captain-General, who promised to institute an inquiry into the allegations, but has not yet made us acquainted with the result.

We have also since found it our duty to denounce to his Excellency the arrival of the notorious "*Venus*," otherwise the "*Duquesa de Braganza*," on the 3rd instant, with upwards of 600 negroes, landed at Mariel, the further particulars of which, therefore, with those of the "*Volador*," will have to form the subjects of subsequent Despatches.

We have, &c.
(Signed) J. KENNEDY.
CAMPBELL J. DALRYMPLE.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

No. 191.

Her Majesty's Commissioners to Viscount Palmerston.

Havana, October 25, 1841.
(*Received December* 6.)

My Lord,

On the 15th of the last month, we addressed a letter to his Excellency the Captain-General, repeating the information we had received of 238 negroes having been landed, a few days previously, at Guanimar, from a vessel commonly known as the "*Volador*," on account of the great slave-dealer, Don Pedro Blanco, which letter his Excellency acknowledged in his provisional answer of the 17th, adding that he had commissioned the Third Lieutenant-Governor and Assessor-General to investigate the charges.

On the 30th, having heard of the vessel's arrival in this port on the day preceding, we addressed his Excellency another letter, apprizing him of the fact, and requesting a strict search to be made into the trading in which it had been employed.

To these letters we received an answer on the 22nd instant, of which, with the others respectively, we enclose your Lordship a copy, stating that the Third Lieutenant-Governor had reported that there was no just cause for proceeding judicially, as no proofs had resulted of the facts stated in the denunciation.

His Excellency stated also, that from the answer he had received to our second letter of the 30th of September, from the Commandant-General of Marine, he learned that no vessel was to be found in the books of entries of vessels in his department named "*Volador*."

As his Excellency concluded by observing that he communicated this as the final result of the matter, we had it only left us in our reply of the 23rd instant to state that we regretted to learn so unsatisfactory a result of the investigations, and would duly report the same to Her Britannic Majesty's Government.

In conformity with this intimation, we find ourselves under the necessity of observing that there is no doubt whatever in our mind of the truth of the allegations, nor of the culpability of the parties commissioned to make the inquiries in screening the offenders.

We have, &c.
(Signed) J. KENNEDY.
CAMPBELL J. DALRYMPLE.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

First Enclosure in No. 191.

Her Majesty's Commissioners to the Captain-General.

MOST EXCELLENT SIR, *Havana, September* 15, 1841.

WE regret to have it our duty to report to your Excellency, that we are credibly informed of a cargo of about 238 negroes having been landed, about a week since, at or near Guanimar, from a vessel now or formerly known as the "*Volador*." These negroes we understand came on account of the notorious slave-dealer, Don Pedro Blanco, and were brought here overland, and deposited last night at a barracon belonging to him in the neighbourhood of the Fort Principe and of your Excellency's country-house. The vessel, it is said, has not entered this harbour, and probably will not, but of the above facts there is, we regret to say, no doubt whatever.

Under these circumstances, we have it left us only to bring them under your Excellency's notice, in the confident hope that your Excellency will take such decisive measures respecting them as will lead to the immediate seizure of the negroes, and the punishment of the parties concerned in this breach of the law; as well as of the authorities at Guanimar, who have thus afforded another proof of their readiness to participate in such offences.

We have, &c.

(Signed) J. KENNEDY.
C. J. DALRYMPLE.

His Excellency the Captain-General,
&c. &c. &c.

Second Enclosure in No. 191.

The Captain-General to Her Majesty's Commissioners.

GENTLEMEN, *Havana, September* 17, 1841.

I HAVE received your communication of the 15th instant, stating that you had been confidently informed of a cargo of 238 negroes having been disembarked at Guanimar, or its neighbourhood, from a vessel known as the "*Volador*," and that you learned those negroes had come on account of Don Pedro Blanco, a notorious slave-dealer, having been brought overland and placed in a barracon in the vicinity of the Fort Principe, with other particulars expressed. For provisional answer I reply, that by this date I commission the Third Lieutenant-Governor, Don Pedro M. F. Villaverde, that he immediately proceed to what is becoming (á lo que corresponde) respecting all the circumstances to which your said official letter refers.

God preserve you many years.

Her Majesty's Commissioners,
&c. &c. &c.

(Signed) GERONIMO VALDES.

Third Enclosure in No. 191.

Her Majesty's Commissioners to the Captain-General.

MOST EXCELLENT SIR, *Havana, September* 30, 1841.

WITH reference to our letter of the 15th instant, we beg now to inform your Excellency that we learn the vessel "*Volador*," mentioned in that letter, entered this harbour yesterday, and we trust therefore that your Excellency will order such an inquiry to be instituted respecting it as will meet the exigencies of the case.

We have, &c.

(Signed) J. KENNEDY.
C. J. DALRYMPLE.

His Excellency the Captain-General,
&c. &c. &c.

Fourth Enclosure in No. 191.

(Translation.) *The Captain-General to Her Majesty's Commissioners.*

GENTLEMEN, *Havana, October* 1, 1841.

YOUR communication of the 30th of September, stating the arrival in this harbour of the vessel "*Volador*," to which you referred in your preceding letter of the 15th of the same month, I have directed to be transmitted to the Third Lieutenant-Governor, whom I had commissioned for the investigation of this matter, which I state, Gentlemen, to you for reply.

God preserve you many years.

Her Majesty's Commissioners,
&c. &c. &c.

(Signed) GERONIMO VALDES.

Fifth Enclosure in No. 191.

(Translation.) *The Captain-General to Her Majesty's Commissioners.*

GENTLEMEN, *Havana, October* 21, 1841.

THE Third Assessor-General, whom I commissioned to take the inquiries respecting the denunciation made by you in your letter of the 15th of September last, of the disembarkation of Bozal negroes in the neighbourhood of Guanimar, from a vessel known as the "*Volador*," having completed the revision of them, informs me that they do not afford merit for proceeding judicially, as there do not result proved the facts comprehended in the denunciation.

His Excellency the Commandant-General of Marine has also answered me, certifying the report which the Captain of the Port returned him, of there being no appearance in the books of entries of vessels in his department of any called the "*Volador*," to which you, Gentlemen, refer in your communication of the 30th of the said month.

The which I communicate to you for your information, and as the final result of the matter.

God preserve you many years.

Her Majesty's Commissioners, (Signed) GERONIMO VALDES.
&c. &c. &c.

Sixth Enclosure in No. 191.

Her Majesty's Commissioners to the Captain-General.

MOST EXCELLENT SIR, *Havana, October* 23, 1841.

WE have received your official letter of the 21st instant, informing us that the Third Assessor-General, having taken the investigations your Excellency had commissioned him respecting our denunciation of a disembarkation of negroes near Guanimar, from a vessel known as the "*Volador*," had reported that there is no sufficient cause for proceeding judicially, as the facts comprehended in the denunciation do not result proved.

Also, that his Excellency the Commandant-General of this station had certified, from the report of the Captain of the Port, that no vessel by the name of the "*Volador*" appeared on the books of entries of vessels in his department.

Which circumstances your Excellency is pleased to say are communicated to us as the final result of the matter.

We regret exceedingly to learn so unsatisfactory a result of the investigations, and have it only left us to report the same to Her Britannic Majesty's Government.

We have, &c.
(Signed) J. KENNEDY.
C. J. DALRYMPLE.

His Excellency the Captain-General,
&c. &c. &c.

No. 192.

Her Majesty's Commissioners to Viscount Palmerston.

Havana, October 27 1841.
(*Received December* 6.)

MY LORD,

WE have the honour to enclose your Lordship a copy of a letter we have received from his Excellency the Captain-General of this island, dated the 24th instant, respecting a denunciation made by Mr. Consul Turnbull, on the 23rd, of a slave-vessel called the "*Trueno*" having arrived at Cabañas, a small port on this coast, the negroes of which he asserted had been brought the day before by a steam-vessel to the Chorrera, a small creek near this place, and there deposited at a barracon near the Fort Principe. Upon the receipt of this, it appears the Captain-General directed the Third Lieutenant-Governor to go immediately and investigate the circumstances, who, having done so, reported that there were no such Africans in the barracon, and that no steam-vessel had come to the Chorrera on the 22nd, the day specified, or could have come on that day, on account of the tempestuous state of the weather. This assertion, we must acknowledge, is trustworthy, inasmuch as we know that on the 22nd it was very stormy, the wind being what is here termed a norther, when the surf on these shores is most dangerous. We, therefore, thought it advisable in our answer merely to state to his Excellency, that we would duly report his communication to Her Majesty's Government, and accordingly we now beg to refer to it, as more fully explaining his Excellency's feelings and opinions.

We regret to say, we learn that the "*Trueno*" in fact has, within the last week, arrived, and landed a cargo, not at Cabañas, but at Bahia Honda, some leagues farther on the coast, and that the negroes she brought were actually taken thence in a steam-vessel to the Chorrera, not on the 22nd, but on the 24th, having been sold immediately on landing.

We regret to add, that since the beginning of this present month we are assured of there having been landed in this neighbourhood, from different vessels that have succeeded in arriving with cargoes, about two thousand negroes. Of our knowledge of this disgraceful continuance of the traffic, we have duly made a communication to the Captain-General, which will therefore have to form the subject of a subsequent Despatch.

We have, &c.

(Signed) J. KENNEDY.
CAMPBELL J. DALRYMPLE.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

First Enclosure in No. 192.

(Translation.) *The Captain-General to Her Majesty's Commissioners.*

GENTLEMEN, *Havana, October* 24, 1841.

HER Britannic Majesty's Consul having yesterday denounced a disembarkation of negroes at the port of Cabañas, and that, on the date of the 22nd instant, they were removed by a steam-boat to the Chorrera, and from thence to a barracon near the Fort Principe, where they are at present, I ordered forthwith the most scrupulous examination and search, believing to take the offenders in the fact; in pursuance of which inquiries the Lieutenant-Governor, Third Assessor-General, went to make them personally, of which I copy his letter:—

"*Havana, October* 23, 1841.

"Most Excellent Sir,—With the urgency your Excellency recommended me by your order of this day, which I received while at dinner, at a quarter past three this afternoon, I went personally to the Partido of San Antonio Chiquito, which includes the port of the Chorrera and the barracones which Her Britannic Majesty's Consul calls of Principe. From the inquiries made personally by me, with the assistance of the Pedaneo, and by his showing on the plain reading the deposit supposed by Her Britannic Majesty's Consul, it results that it is notorious and evidently false, that in the port of the Chorrera there was landed yesterday by a steam-boat 436 Africans, which the Consul has assured himself were brought from Cabañas, proceeding from the Portuguese brig '*Trueno*,' because there do not exist in the Partido, nor from the state of the weather was it practicable, on account of the heavy sea, which made it impossible for a steam-boat, or any other vessel, to enter the port, according to what the Pedaneo assured me; nevertheless I have searched the barracones, 'Recreo de los Amigos,' and the 'Reforma,' and did not find existing in them the 436 Africans which the Consul said.

"This result, the truth of which this day is indubitable, proceeding honourably and loyally, offers a doubt of the certainty of the arrival of the '*Trueno*' at Cabañas with 436 Africans; but however that may be, I am of opinion that your Excellency should give your orders to the captain of that port, inserting an extract of the official letter of the Consul, which refers to the Portuguese brigantine '*Trueno*,' accompanying a certification of the search made by me this afternoon, that he may proceed to the investigation of the denunciation made, and if the fact is proved fully, or by strong indications which induce his assent, then that he detain the negroes, and send them to the disposal of your Excellency; that he arrest the crew, embargo the vessel, and take any other persons that may be interested, giving immediate account of the whole to your Excellency, that you may proceed to what is necessary.

"Respecting the supposed disembarkation at Mariel, and that from the brig '*Venus*,' they have instituted proceedings on account of the denunciation of the English Commissioners, and there is no reason to renew them on account of Her Britannic Majesty's Consul repeating these denunciations, according to his custom, to heap together materials for the object of supposing facts which never existed, or that at least he has not been able to prove legally, which is enough, in order that, acting in good faith, they do not remember doing justice to the rectitude of your Excellency, and the faithful discharge of their duties on the part of the other intermediate officers and subordinates. I call the attention of your Excellency to the first paragraph in his official letter, in which Her Britannic Majesty's Consul has permitted himself to say, that there cannot be any doubt any longer that your Excellency is perfectly acquainted with the treaties being daily and openly violated. If it were thus, there would result a cargo daily and openly; and such an assertion being entirely gratuitous and voluntary on the part of Her Britannic Majesty's Consul, it is fit to throw it back as destitute of foundation, because his word is not sufficient, nor that of any confidants he may have, friends or co-labourers, unless they show facts proved according to the laws of the country. Let him by all means be faithful to his principles and system, but let him fulfil the duty that is in this imposed on him with exactitude and truth, because if neither one nor the other exists but under his word, your Excellency cannot, according to law, act except so far as you find justified the conformity of the facts; and it is the duty of the Consul to do justice to the firmness and integrity with which your Excellency governs, and with which you see that the public functionaries fulfil their duties. I do not know how far the faculties

extend which Her Britannic Majesty's Consul indicates have been conceded to him by his government, to watch the fulfilment of the treaties by the authorities of this island. The English Government is too wise and circumspect to have conceded to him others than those which belong to him by the treaties; and as in those we do not find comprised this species of superintendence, or charge of watching the conduct of the authorities of this island respecting their fulfilment, I cannot conceive that the attributes with which the consul thinks himself invested, and which it would appear an air of superiority incompatible with those treaties and with our laws. If your Excellency thinks that you should answer him, your Excellency may be pleased to give him notice on this particular, conducive for his information, and which may serve for any other communications he may have to offer. So it appears to me: however, your Excellency may determine what you may think more right.

"PEDRO M. F. VILLAVERDE."

In accordance with the above advice, I have given orders that they proceed at Cabañas in the investigation of the denounced fact, transcribing to you, Gentlemen, the result to the present time of this business, to give a proof that, though I omit to answer the Consul, because I cannot and ought not to enter into communications upon the subject with him, in whom, according as I have shown, there does not exist the right to intermeddle in the business, I feel the greatest interest in fulfilling the treaties; and that you may be convinced of this, and of my determination to put down the reprobated traffic, without neglecting the denunciation, though from an incompetent party, I have ordered the proceeding with regret to see the heat with which the Consul supports denunciations as certain, which like the present have all the character of untruth, and the easiness with which he permits himself to adopt, as positive, accusations vague, at the same time presented with malice, by his confidants, in which there is no reality, as for instance has just been proved in the investigation of the barracon, which I ordered, and which was effected without loss of time, to surprise the offenders, if there were any.

The which I repeat to you, Gentlemen, for your knowledge.

God preserve you many years.

(Signed) GERONIMO VALDES.

Her Majesty's Commissioners,
&c. &c. &c.

Second Enclosure in No. 192.

Her Majesty's Commissioners to the Captain-General.

MOST EXCELLENT SIR, *Havana, October* 25, 1841.

We beg to acknowledge the receipt of your Excellency's letter of yesterday's date, informing us of a denunciation made by Her Britannic Majesty's Consul of a disembarkation of negroes at Cabañas, and of their being brought on the 22nd instant in a steam-vessel to the Chorrera, and thence to a barracon near the Fort Principe, where they then were, and of your Excellency having instructed the Third Assessor-General, without loss of time, to investigate the circumstances, and seize the offenders, but that the said Assessor on investigation had found the charge not true, as no steam-vessel had come, or could come, to the Chorrera on the 22nd, on account of the weather.

The which circumstances, with your Excellency's observations in detail, we will take the earliest opportunity of making known to her Britannic Majesty's Government.

We have, &c.

(Signed) J. KENNEDY.
C. J. DALRYMPLE.

His Excellency the Captain-General,
&c. &c. &c.

No. 193.

Her Majesty's Commissioners to Viscount Palmerston.

Havana, October 29, 1841.
(*Received December* 6.)

MY LORD,

WE have the honour to report that on the 4th instant, having heard of a cargo of upwards of 600 Africans having been landed the day preceding at Mariel, near this place, from the notorious slave-vessel "*Venus*," otherwise the "*Duquesa de Braganza*," we found it our duty to address the Captain-General of this island on the subject, observing that as the vessel had not sailed more than four months before from this port, ostensibly for Monte Video, but in reality for the coast of Africa, where, judging from the shortness of the voyage and back, she must have gone direct, and therefore gone equipped for the Slave Trade: the fact of her being permitted to go so equipped must reflect the utmost discredit on the officers of the port, who had connived at so manifest a breach of the laws of the country, as well as of the treaty with England.

In answer to this denunciation, his Excellency returned us a letter, dated the 22nd instant, embodying the opinion or report on our communication of the Third Lieutenant-Governor Assessor-General, that having made all the

inquiry in their power, the persons appointed for that purpose had not been able to find any evidence to authenticate the denunciation, whence he concluded it was not well founded, adding, that if the "*Venus*" had really been to the coast of Africa, equipped for Slave Trade, it was more probable she had been equipped for that purpose at Monte Video than Havana.

This hardy denial of a fact as notorious at this place as any other of the day's occurrences we were not prepared to expect, still less to find the Captain-General, in his own addition to the report, observing that the treaty did not bind the Spanish Government to take any measures on shore to put down the Slave Trade, whence he pronounced every act taken by them to prosecute or impede such trafficking was an excess of zeal; also that contraband trade existed both in France and England, notwithstanding the power and resources of the respective government, without the officers being accused of venality or want of zeal; and that the English Government and cruizers might be as justly accused in that respect, because the places in Africa whence slave-vessels come were notoriously fewer than those parts of this island available for disembarkation.

His Excellency further observed that the trade had materially decreased since the Treaty of 1835 had been concluded, more than the warmest friends of the abolition of the trade could have hoped for, enabling us to hope that very soon it would entirely cease in the Spanish colonies.

In reply to this extraordinary assemblage of bold assertions, we observed that the very first article of the treaty declared "the Slave Trade thenceforward totally and finally abolished in all parts of the world;" and in the second article, that "Her Majesty the Queen Regent of Spain engaged to take the most effectual measures for preventing the subjects of Her Catholic Majesty from being concerned, and her flag from being used, in carrying on in any way the trade in slaves," and that this was always understood to include measures on shore as well as on the seas, for which object, therefore, royal orders had been from time to time issued, with strict injunctions to have the treaty fulfilled.

With regard to the assumption of inertness on the part of the British Government or cruizers to put down the Slave Trade, we thought it sufficient to observe, that upon an average about 40 slave-vessels had been every year taken by British vessels of war, throwing the charge on the Spanish navy by comparison, who have never seized one slave-vessel, though remaining listless in the harbour, while those vessels were coming in or going out every week.

Nor could we think the comparison just, of the Slave Trade with the contraband trade of England or France. A few barrels of spirits, or bales of goods, we observed, might be easily stowed away in a thickly-peopled country, if once successfully landed; but such could not be the case here with so strict a system of police, as regards the thousands of human beings introduced every year, who eat, and talk, and work openly in the fields, and are marched in files through the streets, and are conspicuous by their scarred faces and general appearance.

Lastly, we observed that we could not join in his Excellency's opinion that the Slave Trade had decreased since the Treaty of 1835 was concluded, or that we could entertain any hope of its being soon totally discontinued, unless other steps were taken than at present seemed to be probable. Since the present month commenced, we stated that we were fully assured of no fewer than 2000 Africans having been landed on these coasts, to be condemned to a life of toilsome misery, and that under these circumstances we had no alternative than to report them fully to Her Majesty's Government, leaving them to take such measures respecting them as they should see fit.

We regret extremely to have to acknowledge that our hopes of the ability or determination of the present Captain-General to put down the Slave Trade have been disappointed. We certainly did entertain a belief in the sincerity of his assurances; and we would rather conclude now that the Slave Trade interest has been too powerful for his energies, than that the solemn promises he made us on his arrival, of his determination "religiously to carry the treaty into full effect," were from the first insincere. But whatever may be the operating cause of his non-fulfilment of his pledge, despairing as we must do of any suppression of the trade by the local authorities, we consider we have it only left us respectfully to suggest to your Lordship the propriety of adopting a language, in communications to the Spanish Government, showing that

England will insist on a faithful observance of the treaty, to which her honour and her sympathies are so much bound, and have hitherto been so much disregarded.

We have, &c.
(Signed) J. KENNEDY.
CAMPBELL J. DALRYMPLE.

The Right Hon. Viscount Palmerston, G.C.B.,
&c. &c. &c.

First Enclosure in No. 193.

Her Majesty's Commissioners to the Captain-General.

MOST EXCELLENT SIR, *Havana, October* 4, 1841.

WE regret to have it our duty to state to your Excellency that we have received information, on which we can rely, of there having been yesterday landed at Mariel, near this place, upwards of 600 Africans from a vessel known as the "*Venus*," otherwise the "*Duquesa da Braganza*," sailing under Portuguese colours, though notoriously the property of some well-known slave-dealers of this city, of whom one Don José Mazorra is reputed the principal. This vessel sailed hence about four months since ostensibly for Monte Video, though no one in Havana doubted of the real destination being for the coast of Africa; and, as she must have sailed fully equipped for the reprobated traffic in human lives, the permitting her to sail must reflect the deepest discredit on the officers of the port, who thus connived at such a flagrant breach of the laws of the country, as well as of their country's obligations to England and the world.

We have also heard that, within a few days, another cargo of about 158 negroes has been landed at the same place, Mariel, from a vessel named the "*Matancera*," on account of the notorious slave-dealer Don Ramon Font.

We trust it only requires to be named to your Excellency that such enormities continue to be perpetrated under your Government, to ensure such a punishment on the offenders as will convince the two high contracting powers of your Excellency's sincerity to maintain the authority of the laws and treaties on the subject.

We have, &c.,
(Signed) J. KENNEDY.
C. J. DALRYMPLE.

His Excellency the Captain-General,
&c. &c. &c.

Second Enclosure in No. 193.

(Translation.) *The Captain-General to Her Majesty's Commissioners.*

GENTLEMEN, *Havana, October* 22, 1841.

HAVING passed for the opinion of the Lieutenant-Governor, the third Assessor-General, the reports I had ordered to be taken, in consequence of the communication you had made me of the 4th instant, denouncing the disembarkation at the port of Mariel of more than 600 Africans brought by the vessel named the "*Venus*," he has complied with it of the date of the 20th in the following terms:—

"Most Excellent Sir,—From the proceeding instituted at Mariel in consequence of the denunciation of the English Commissioners of the 4th instant, showing that there had been disembarked at that port the day preceding more than 600 Africans from a vessel known as the "*Venus*," otherwise the "*Duquesa de Braganza*," sailing under the Portuguese flag, it results that they have used whatever diligences were possible, and by all the means in their power to fulfil the orders of your Excellency for the apprehension of the negroes, and the bringing them to this capital at your Excellency's disposal, with the arrest of the crew and others interested in the said cargo. They have made inquiry on these coasts to windward from that port to Guajaybon; and all these diligences, and the statements of the neighbours who could give any indication, proved strongly that there had not been any such disembarking at Mariel,—all asserting that they had not seen any Bozal negroes, nor yet vessels that could have disembarked them. This is the result of the inquiries taken, and by no other mode could they have proceeded, because for the apprehension and arrest; and to exact the responsibility and punish the guilty it is necessary first to be instructed by an investigation of the facts which the denunciation comprises. If the examination made according to the laws gives a negative result, if the officers employ in the search all the means in their power, and they cannot legally use others, corresponding to your Excellency's confidence, proceeding according to determinate orders with exquisite zeal and with attention, preferring to secure the punishment of those who for private interest procure the introduction of negroes, contrary to the provision of existing treaties. If your Excellency has made communications, the severest and most stringent in charge to all the authorities and all the immediate subordinates, and they are vigilant and proceed accordingly, what remains to be done? Nothing else than to proceed with constancy in its fulfilment, in faithful observance of the treaties. Individual interest is strong and persevering, and for the recompense that it brings in all cases prohibited by laws or treaties, it stimulates speculators and avaricious persons to the arduous undertaking of contraband trade, and the breach of prohibitory laws. In all business of this kind this is observed; and thus, however great may be the zeal of the authorities, they cannot suffice, and less in a coast so extensive as that of this island; and when they have been able to escape the distinguished vigilance of the cruizers destined to pursue them, it is easy that they

should succeed in making some disembarkation. The seizure made at Cabañas, and the liberty which your Excellency granted, in accordance with my advice, to 400 and more Africans that were taken in the vessel in which they came, is a testimony that some escape the vigilance of the cruizers, as also of the good fulfilment of your Excellency's orders. The denunciation of which we now treat is not a Spanish vessel, if it be that the disembarking that has occurred came under the Portuguese flag, as the English Commissioners say; and it is easy that their information for the denunciation may not have been exact, since nothing have we been able to authenticate. In my opinion nothing more can be done in cases of denunciation, nor when without it we proceed, as occurred when the vessel referred to at Cabañas, of whose seizure the Mixed Court abstained from recognising; and if seizure does not always result, is because there is not exactness in the facts, or because in reality there has not been a disembarkation.

"Nor ought I to omit in the present case calling attention to one charge of induction which the English Commissioners have permitted themselves to make. They say that the vessel, the '*Venus*,' sailed hence four months since from this port ostensibly for Monte Video, although no one in Havana doubted that its true destination was for the coast of Africa; and as it must have sailed completely equipped for the reprobated traffic in human beings, the permitting it to sail must reflect the deepest discredit on the officers of the port that thus connived at such manifest breach of the laws of the country. If the vessel '*Venus*' sailed ostensibly for Monte Video, and no one doubted she went to the coast of Africa, this assertion is not sufficient for an inference that she must have sailed completely equipped for the traffic in human beings, nor hence, in consequence, to induce discredit on the officers of the port for so manifest a breach of the laws of the country. Such a fault has not existed, because she was not fitted for the traffic. That she may have become fitted at Monte Video, and was fitted or no for the coast of Africa, is not a charge against the officers of the port of Havana, whence it is said she sailed for Monte Video. Voluntary, and very voluntary, is the assertion of such supposed fault as the conclusion of her having sailed completely equipped. As little is it sufficient, according to our laws, that the Commissioners repute Don José Mazorra to be the principal of some slave-dealers, since it not appearing legally who they are, nor the paper of principal which gives it to Mazorra, we cannot adopt measures, nor avail ourselves of these communications, for claims without further results, which cause time to be lost to the Governments, that must be well satisfied of their reciprocal good faith in the fulfilment of the Treaties. If your Excellency pleases to file this proceeding, and to answer the Commissioners, communicating to them the result, and these observations, if to your Excellency they appear adequate, or in other case, as always the most certified, putting all in the knowledge of the Supreme Government, that it may be prepared in case of any complaint being made by the British."

And assenting myself, I transmit this for you, adding, for my part, that, however great may be my desires that there cease at once in this island, and in every part of the globe, the introduction of negro slaves, it is not possible for me, in pursuing it, to go beyond the limits and rules which the laws prescribe to every public functionary from the highest to the lowest; if not thus, it would be to proceed as a tyrant, which I do not believe can be the wish of the Commissioners of the Mixed Court of Justice to exact from the superior authority of the Island of Cuba, or from any of its subordinates; so much the less, when all they have done, and are doing, to impede the introduction of Bozal negroes into the island, to terrify and punish those who attempt it, is more truly an excess of zeal on the part of the Spanish Government and authorities, and a fulfilment of no convention which has been made with England, nor with any other nation. That which they have made with the first is written, and in terms very clear and precise; and in that is to be found not one article imposing on any of the high contracting parties the obligation to prohibit, to search, or to incommode either merchants or proprietors, as regards the arrival of negroes, when they are not detained, they or the vessels bringing them, upon the waters, and by vessels of war of one of the two nations, appointed previously, commanded by officers of determinate rank, and provided with especial instructions for the purpose, with other formalities which are expressed in the same Treaty. It is, then, indubitable that every proceeding after the negroes are disembarked is an excess of zeal, and a lively desire of co-operating, by whatever means are possible, for the success of the object which the contracting parties proposed in entering into the Convention of which we are treating. This doctrine is just, natural, and correct, recognised solemnly by you in the honourable conduct which you observed when the wreck of the vessel that was lost at Cabañas, and whose negroes disembarked there, and seized in the act by the Spanish authorities, you abstained voluntarily from adjudging whether it was a good detention or not, on account of the case not being comprehended in the articles of the Treaty; nor in any other manner could this be understood, since from the contrary neither persons, nor property, nor commerce would have any kind of security, which would be an evil much greater for the human race than that which they were treating of to avoid.

In fine, if from the introducing into the Spanish colonies any or other vessel proceeding from the coast of Africa gave a right or ground to accuse the Spanish authorities of connivance or want of zeal, with how much more reason would they have the same charges against the English authorities and cruisers because they permit them to sail from Africa! where we all know those ports of the coasts whence they bring the negroes from their country are infinitely less in number than those which in this island are available for their disembarkation. Individual interest always had, and will have, advantages over public interest; in France and in England, in spite of the great strength of the Governments, and the great means which they have at their disposal, contraband trade exists, without the functionaries being accused for that of connivance with the contrabandists, nor of venality, nor of want of zeal. All which it has appeared to me right to manifest to you, Gentlemen, in order that you may not alarm, or inquiet yourselves with accusations or denunciations, which the most times are false and never consented to, nor still less authorized by the public functionaries, being able to assure you that if the evil for the reasons explained be not entirely cut off, I persuade myself it has been diminished since the Treaty of 1835, in a manner most satisfactory for the lovers of abolition of the trade in slaves, that the most ardent abolitionists could promise themselves, or hope, enabling us to believe that in a little while it will be completely extinguished, as respects the colonies dependent on the Spanish Government.

God preserve you many years.

(Signed) GERONIMO VALDES.

Her Majesty's Commissioners,
&c. &c. &c.

Third Enclosure in No. 193.

Her Majesty's Commissioners to the Captain-General.

MOST EXCELLENT SIR, *Havana, October* 25, 1841.

WE beg to acknowledge the receipt of your letter of the 22nd instant, informing us of the report of the third Lieutenant-Governor Assessor-General, respecting the denunciation we made on the 4th of this month, of upwards of 600 Africans having been landed at Mariel the day preceding, from the slave vessel "*Venus*," otherwise the "*Duquesa de Braganza.*" From this report we regret to find, that another case of unsatisfactory result is to be added to those we have had it our duty formerly to advert to, and under the circumstances therefore it is only left us to submit to Her Britannic Majesty's Government the facts of these continued unpunished violations of the Treaty, in order that they may take such other steps with regard to them as they in their wisdom shall see fit.

As, however, your Excellency has been pleased to enter into the discussion of some other topics, we beg to notice them in reply, not by way of arguing with your Excellency, but lest our silence should be considered as an assent to observations with which we totally differ. Your Excellency observes, that there is not one article in the Treaty which imposes on either of the High Contracting Parties the obligation to prohibit, to search, or incommode merchants or proprietors, as respects the arrival of negroes, when they have not been detained on the seas, according to the Treaty. But the very first article declares "the Slave Trade on the part of Spain henceforward totally and finally abolished in all parts of the world;" and the second article engages, "that the most effectual measures shall be taken for preventing the subjects of Her Catholic Majesty from being concerned, and her flag from being used, in carrying on in any way the trade in slaves." The Spanish Government have understood this to mean, by measures on shore, as well as on the seas, and thus your Excellency, and your Excellency's predecessors, have received from time to time Royal orders and other injunctions to observe the due fulfilment of the Treaty. We cannot, therefore, coincide with your Excellency's opinion, that whatever steps are taken on shore with this object can be considered an excess of zeal, or otherwise than as an imperative obligation.

Nor less can we agree with your Excellency in the belief, that the traffic has decreased since the Treaty of 1835, and will probably soon cease altogether, unless other measures are adopted in the island. Since the beginning of this month, we are fully assured that nearly 2000 Africans have been landed on the neighbouring coasts, and there can be no doubt whatever, with the full knowledge of the subordinate authorities, knowing well as we do the complete system of police, that few individuals can escape their notice, and certainly not the hundreds and thousands of unfortunate Africans that are yearly added to a life of toilsome misery, by the continuance of the Slave Trade.

Your Excellency observes, that if there be ground of accusation against the Spanish authorities, there is also the same against the British authorities and cruisers for permitting the vessels to sail from Africa, where the points accessible to vessels are fewer than on the coasts of this island. But your Excellency surely must forget that upon an average, about 40 vessels are yearly seized by British cruisers for being engaged in Slave Trade, and this is certainly the first time we ever heard any suspicion of their being deficient in zeal or activity. A more proper accusation would be against the not using the Spanish Marine, instead of permitting them to remain listless in the harbour, while vessels are coming in or going out every week, notoriously engaged in Slave Trade.

How your Excellency can justly compare the contraband trade of England or France with the Spanish Slave Trade, we must acknowledge ourselves unable to comprehend. A few bales of goods or barrels of spirits, in a thickly peopled country, may be easily stowed away from observation, if once successfully landed; but such cannot be the case here of escaping the notice of the local authorities, with regard to the thousands of miserable beings introduced annually, who eat and talk, and work openly in the fields, and are marched through the streets in files, and are conspicuous by their scarred faces and general appearance.

These considerations we beg to urge, not as arguing with your Excellency, but merely that our views and opinions may be fully understood.

We have, &c.
(Signed) J. KENNEDY.
C. J. DALRYMPLE.

His Excellency the Captain-General,
&c. &c. &c.

No. 194.

The Earl of Aberdeen to Her Majesty's Commissioners.

GENTLEMEN, *Foreign Office, December* 15, 1841.

WITH reference to the several representations which you have from time to time made upon the subject of the conduct of Mr. Pluma, the Tuscan Consul at the Havana, in granting papers to slave vessels, I herewith transmit to you for your information and guidance a copy of a Despatch and of its enclosures from Her Majesty's Envoy at Lisbon, stating that the Portuguese Government has declared formally that consular documents furnished by Mr. Pluma to Portuguese vessels shall have no effect or validity as evidence of the nationality of the vessels to which they may be granted.

I am, &c.
(Signed) ABERDEEN.

Her Majesty's Commissioners,
&c. &c. &c.

Enclosure in No. 194.

Lord Howard de Walden to the Earl of Aberdeen, November 13, 1841.

(Class B.)

No. 195.

Her Majesty's Commissioners to the Earl of Aberdeen.

Havana, November 8, 1841.

MY LORD, (*Received December* 28.)

WE have the honour to enclose your Lordship copies of a correspondence we have had with the Captain-General of this island, in respect of a demand which we made to his Excellency for the negroes of the slave vessel "*Aguila*," in obedience to Viscount Palmerston's directions conveyed in his Lordship's Despatch dated the 19th August last.

The slave vessel "*Aguila*," it may be proper to repeat to your Lordship, coming here under Portuguese colours, was wrecked at Cabañas, a few leagues from this port, on the 21st of last May, when the crew escaped on shore, as it was said, with the papers of the vessel, so that the local authorities could not apprehend them, though they then seized 413 of the negroes, who were brought on board, about 30 others having been supposed to have been drowned. These 413 negroes having been brought to the Havana by order of the Captain-General, his Excellency immediately remitted the consideration of the case to the Mixed Court, which, for the reasons stated in our report of it (Despatch dated the 26th of June last), declined to adjudicate respecting it. In so doing they have had the satisfaction to learn that in the opinion of Her Majesty's Advocate-General they acted rightly, but had they found their powers extending to the case they could only have returned the negroes to the Captain-General, according to the provisions of the Treaty, to be held as Emancipados under his Excellency's disposition of them. The Court, however, having no right of itself to subject the negroes to those provisions of the Treaty of 1835 which go beyond the provisions of the Treaty of 1817, inasmuch as the first-named Treaty gives the Court a supervision half-yearly of the negroes emancipated under it, we thought it right, as Her Majesty's Commissioners, to address a letter to the Captain-General, suggesting that though the Court had no power to make any such order, yet that his Excellency had, and might, if he pleased, place the negroes therefore in the same position as if they had been emancipated by the Court.

On reporting this suggestion to Her Majesty's Government we received orders, in the Despatch of the 19th of August above referred to, to demand of the Captain-General that the negroes should be given up to Her Majesty's Superintendent of Liberated Africans, for the purpose of being sent to a British colony, as they would have been if they had been taken by a British cruiser, on the ground that those negroes are by the laws of Spain free men, and therefore that the Government had no right to impose any restraint on their personal liberty, and because that the condition of Emancipados, in which those negroes were placed, differs in no essential respect from the condition of slavery, and is therefore an illegal duresse imposed on free persons, in violation of the true meaning of a Treaty between Great Britain and Spain.

These instructions and observations we duly communicated to the Captain-General in our letter of the 1st instant, who, on the 3rd, returned his answer of that date, embodying the opinion of the Third Lieutenant-Governor Assessor-General, with which his Excellency expressed his concurrence that this Government could not, and ought not, to give up the negroes demanded, inasmuch as there was no stipulation in the Treaties to such effect.

In our reply, of the 4th instant, we stated to his Excellency that we would take the earliest opportunity of communicating the sentiments expressed to Her Majesty's Government, taking advantage of the opportunity to add, we had had the satisfaction of learning that, in the opinion of Her Majesty's Advocate-General, the Mixed Court did right to decline adjudicating in the case.

We have, &c.

(Signed) J. KENNEDY.
CAMPBELL J. DALRYMPLE.

The Right Hon. the Earl of Aberdeen,
&c. &c. &c.

First Enclosure in No. 195.

Her Majesty's Commissioners to the Captain-General.

MOST EXCELLENT SIR, *Havana, November* 1, 1841.

WE have received a Despatch from Viscount Palmerston with reference to the negroes found on board the slave vessel "*Aguila*," wrecked off Cabañas in May last, desiring us forthwith to write to your Excellency, stating that we are ordered by Her Britannic Majesty's Government to demand that the negroes so wrecked in the "*Aguila*" may be given over immediately to the care of Her Majesty's Superintendent of Liberated Africans, as they would have been if they had been taken by a British cruiser, and emancipated by decree of the Mixed Commission, in order that they may forthwith be sent to a British colony, where their freedom will be secure; and we are further desired to state that we are instructed to make this demand, because those negroes are by the law of Spain free men, and the Government has therefore no right to impose any restraint upon their personal liberty; and because it is well known to everybody that the condition of Emancipados, in which those negroes appear to have been placed, differs in no essential respect from the condition of slavery, and is therefore an illegal duresse imposed upon free persons in violation of the true meaning of a Treaty between Great Britain and Spain.

We have, &c.
(Signed) J. KENNEDY,
C. J. DALRYMPLE.

His Excellency the Captain-General,
&c. &c. &c.

Second Enclosure in No. 195.

(Translation.) *The Captain-General to Her Majesty's Commissioners.*

GENTLEMEN, *Havana, November* 3, 1841.

HAVING passed, for the opinion of the Third Lieutenant Assessor-General of this Government, the official communication you directed to me the 1st instant, respecting the demand which you made in the name of Viscount Palmerston for the negroes found on board the slave-vessel said to have been called "*Aguila*," shipwrecked at Cabañas in May last, he has given it me as follows, of yesterday's date:—"Most Excellent Sir,—The negroes detained in the port of Cabañas on the 21st May last, in a vessel wrecked on that shore, and whose name is known as the "*Aguila*," as the English Commissioners say, have been declared free from all captivity and slavery, according to my advice of the 31st of that month, and being free are receiving their education under the protection of the Government of Her Majesty. The conduct, zeal, and discretion with which your Excellency has proceeded have been approved by his Highness the Most Excellent the Regent of the Kingdom, according to Royal order of the 23rd last August, communicated by the First Secretary of State. It is somewhat surprising that the Viscount Palmerston has sent the order and Despatch to which the English Commissioners refer in this communication. His lordship, no doubt in moments of haste, and in those which even the greatest statesmen cannot pause to examine the various views of the matters placed before them, determined on the resolution to which the Commissioners refer. It does not agree with the slow judgment and severe consideration which on weighty matters are accustomed to distinguish British determinations. In the Treaties there is not a single article which authorizes the resolution of Viscount Palmerston, considering it either in letter or spirit. The Article XIII. of the Treaty of the 28th of June, 1835, provides that captured negroes shall be placed at the disposition of the Government whose cruiser has made the capture. In the Article III. of Annex C. to that Treaty it is established that if the cruiser were English, the English Government engages that the negroes shall be treated in exact conformity with the laws that in their colonies regulate the apprenticeship of Emancipados. In the Article IV. of the same Annex it is determined that if the cruizer were Spanish, the negroes should be delivered over to the Spanish authorities of the Havana, or some other point of the dominions of Spain; and the Spanish Government engages that they shall be treated with strict subjection to the regulations promulgated in the Havana, and in force respecting the treatment of liberated negroes, with more therein expressed. Did the English Government, the Commissioners, the Consul, or cruizers, take any part in the seizure of the vessel under the Portuguese flag, which, at the time of its wreck, was taken at Cabañas on the 21st of May last, and in taking the negroes that came on board of it, brought from Africa, where they then were as captives according to the customs of those countries? No, sir; and although your Excellency passed the case of the seizure to the Mixed Court on the 28th of May, it refused it, and returned it to your Excellency, declaring that its powers extended only to decide upon the legality of captures made of slave vessels, or those *primâ facie* engaged in that traffic, by vessels of war, with instructions *ad hoc*. If the seizure has been effected in consequence of the zeal and vigilance of the authorities of the island, and in virtue of the strict and energetic orders issued by your Excellency since you took possession of the command, whence could Viscount Palmerston derive the right for the demand which the Commissioners put forward, claiming the 413 negroes whose liberty your Excellency insured, and who are now educating for the good use of it to their benefit and of society? You neither can nor ought to deliver them up to be sent to the English colonies; this delivery is of those liberated by decree of the Mixed Court, and who have been taken by English cruizers. Circumspect and honourable, the Mixed Court took not the adjudication according to the strict observance of the Treaties; and your Excellency, because the Spanish nation and their sovereign have totally and finally abolished the traffic in slaves, has made in favour of the 413 negroes taken at Cabañas the declaration which has been communicated to the Mixed Court, and which has been regularly transmitted to the Government. In that may Viscount Palmerston, or, better say, the Cabinet of St. James, observe the conduct, zeal, and discretion of your Excellency, which merited the approbation of our Government in Madrid. Your Excellency and the Government will know to preserve the liberty of those negroes, as how to take care of their education, without its belonging to the English Government to meddle with in examining, and less in qualifying the treat-

ment they receive. Would that those emancipated in the English colonies, and their colonial people of India, were as happy as the liberated of Cabañas, and, what is more, as the slaves in general of this island! For if, on the part of our Government, it were lawful to show the treatment they receive in Sierra Leone, in Jamaica, in the Windward Islands, and compare it with that which is given them in the Island of Cuba, it does not so profess the principle of exacting, censuring, and intermeddling respecting this act, which is of interior administration not comprehended in the Treaties. Precisely when our Government has resolved definitively the lot of the Emancipados, assuring them of their complete liberty, the Commissioners permit themselves, by order of Viscount Palmerston, to say that the condition of the Emancipados knows no difference from that of slaves. There is a great distance, because the Emancipados are immediately dependent on the Government that delivers them for their education to persons fixed on under certain regulations and guarantees, which assure the possession of liberty and their education; and the slaves depend on their masters, the Government however taking care that their treatment be as mild as our laws establish. There is not, therefore, the illegal duresse which the Viscount Palmerston supposes, nor as little the violation of the Treaties in the determination adopted with my counsel of the 31st of May last. We should injure ourselves if we acceded to the demand, and commit a weakness of fatal consequences to the country and to the Government in resolving on the delivery requested. And as, legally, this cannot be exacted, I do not detain myself on the charge that Her Britannic Majesty's Superintendent of Liberated Africans should have of them, because the liberated individuals of Cabañas are not those of Her Britannic Majesty, nor by the benefit of her cruisers, or of her officers, did they obtain the condition in which they are, and that functionary is not recognised but by the English; he does not possess, nor can he enjoy, that title by authority in our territory, for that your Excellency should give him account of your conduct, and make delivery to him of negroes seized and rescued from slavery and captivity, by order of your Excellency. The consul of Her Britannic Majesty, it appears, holds this pompous title, in respect of which, in cases where by declaration of lawful capture negroes have to be sent to English colonies, the English Commissioners address themselves to him and deliver them to him. So be it by all means; such precedents do not serve for that, on account of that title alone, he can be supposed the Superintendent of Spanish Liberated Negroes. Of these the superintendency belongs immediately to your Excellency, in the name of the Supreme Government, and to this only ought you to give account of your conduct for their approbation, and the determination they may think right. I am, then, of opinion that your Excellency should be pleased to answer thus to the English Commissioners, giving information immediately to our Government by the next 'Correo,' with such other observations as may appear becoming, in order that they may have them prepared if, in the name of the English Government, any demand should be made directly on them respecting the matter. Your Excellency may be pleased to determine it thus, or as always most just."

And agreeing with the said opinion I state it to you, gentlemen, for your knowledge, and in reply. God preserve you many years.

(Signed) GERONIMO VALDES.

Third Enclosure in No. 195.

Her Majesty's Commissioners to the Captain-General.

MOST EXCELLENT SIR, *Havana, November* 4, 1841.

WE have received your Excellency's letter of yesterday's date, in answer to ours of the 1st instant, communicating Viscount Palmerston's instructions to us, to demand of your Excellency the negroes of the slave vessel "*Aguila*," for the purpose of being sent to a British colony, and we will take the earliest opportunity of forwarding that reply to Her Britannic Majesty's Government.

We think it but just to the Mixed Court to take this opportunity of stating that we have also received another Despatch from Viscount Palmerston, informing us that having submitted the case of the "*Aguila*" to the Queen's Advocate-General, that officer has returned his opinion that the Mixed Court was right in declining to adjudicate respecting that vessel.

We have, &c.

His Excellency the Captain-General, (Signed) J. KENNEDY.
&c. &c. &c. C. J. DALRYMPLE.

No. 196.

Her Majesty's Commissioners to the Earl of Aberdeen.

Havana, November 25, 184[illegible].

MY LORD, (*Received December* 28.)

DURING the last month the following vessels were despatched hence we believe for Slave Trade:—

October 9. For Monte Video, Portuguese schooner "*Feliz Triumberato.*"
„ 22. For Madeira, Portuguese schooner "*Segunda Union.*"

Besides which, on the 23rd, the Belgian ship "*Luisa,*" Captain Lanes, sailed

to Cape Verds with goods, and two other vessels, the Spanish brig "*Carolina*," and the American ship "*Harmony*," sailed, the same day, under suspicious circumstances, the former ostensibly for Nicaraguas, and the latter for New York.

These indications of undiminished pursuit of Slave Trade, we regret to add, are further confirmed by the arrivals, as it is reported that nearly 2000 Africans were landed from slave-vessels in the immediate neighbourhood during the month. Of these we have had reported :—

October 1. Landed at Mariel, on account of Don Ramon Font, from the "*Matancera*," 158 negroes.

„ 3. Landed at Mariel, on account of Don José Mazorra and Co., from the "*Venus*," otherwise the "*Duquesa de Braganza*," 600 negroes.

„ 22. Landed at Bahia-Honda, from the "*Trueno*," under Portuguese colours, 450 negroes.

„ 23. Landed at the same place, from a vessel, name unknown, about the same number.

Our correspondence with the Captain-General respecting these arrivals have formed the subjects of previous Despatches.

In our Despatch, dated 15th of September last, we stated that information had been received here of Her Majesty's Government having demanded of the Spanish Government the delivery of all negroes unlawfully introduced here since the year 1820, which demand had been referred to the Captain-General of this island, and was by him transmitted, for a Report thereon, to the Junta de Fomento, or Association for the Encouragement of Commerce and Agriculture, of which the Captain-General is the president. This Junta has accordingly made the Report, denying that any considerable number of Africans has been introduced in contravention of the Treaty, though it acknowledges that some may have been secretly imported, an assertion similar only to those which the local Government have been in the habit of constantly making, in answer to the remonstrances of Her Majesty's Commissioners, but which every one here knows not consistent with truth. The Report is written in terms somewhat unbecoming, as respects the right of England to interfere with the internal affairs of the island, the writers forgetting that every party to a Treaty has an undoubted claim to see that the provisions of the Treaty are faithfully observed. Other reports have been ordered and obtained on the subject of the proposed Treaty from the Tribunal de Comercio, the Patriotic Society, and the Corporations of Havana, and other principal places. These reports we have not seen, but understand they are, with the exception of the one from the Patriotic Society, all returned in the same spirit as the one first referred to. The Patriotic Society, which is composed almost entirely of Creoles, have however we understand done full justice to the motives of Her Majesty's Government, and approved of the British policy in seeking an effective suppression of the Slave Trade.

We have, &c.

(Signed) J. KENNEDY.
CAMPBELL J. DALRYMPLE.

The Right Hon. the Earl of Aberdeen,
&c. &c. &c.

No. 197.

The Earl of Aberdeen to Her Majesty's Commissioners.

GENTLEMEN, *Foreign Office, December* 31, 1841.

WITH reference to Viscount Palmerston's Despatch to you of the 24th of May last respecting instructions given for the guidance of Her Majesty's cruisers in dealing with vessels under the United States flag, and suspected of Slave Trade, I herewith transmit to you, for your information, a Copy of a further instruction issued upon this subject on the 7th instant by the Lords

Commissioners of the Admiralty to the Admirals commanding Her Majesty's naval forces on the Cape of Good Hope and West India stations, and to the senior officers on the west coast of Africa and the Brazils.

I have, &c.
(Signed) ABERDEEN.

To Her Majesty's Commissioners,
&c. &c. &c.

Enclosure in No. 197.

Admiralty Instruction of December 7, 1841,
Enclosed in Admiralty Letter, December 9, 1841.
See Enclosure in No. 52.

RIO DE JANEIRO.

No. 198.

Her Majesty's Commissioners to Viscount Palmerston.

Rio de Janeiro, September 1, 1840.
(*Received January* 2, 1841.)

My Lord,

We have the honour to acknowledge the receipt of your Lordship's Despatch of the 17th of June, 1840, upon the subject of the explanation given by us of the sentence passed by this Court of Mixed British and Brazilian Commission, in the case of the slave-trading vessel the "*Recuperador.*"

As in your Lordship's reply you confine yourself to the notice of the irregularity of the ship's papers, and of the existence on board of articles constituting an equipment for Slave Trade, and appear to allow no weight to the other considerations, which we took the liberty of submitting to your Lordship's attention, more particularly to the facts that such equipment was not recognized by the Brazilian Government as a justifiable motive for the detention of their vessels, and that the equipment of the "*Maria Carlota*" was by no means the only, or even principal, ground for the condemnation of that vessel, it does not become us to trouble your Lordship by reproducing such considerations, and we will, therefore, only repeat our sincere regret at finding that the explanation of our conduct in this case has proved unsatisfactory to your Lordship.

We have, &c.
(Signed) GEORGE JACKSON.
FRED. GRIGG.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

No. 199.

Her Majesty's Commissioners to Viscount Palmerston.

Rio de Janeiro, September 2, 1840.
(*Received January* 2, 1841.)

My Lord,

We have the honour to acknowledge the receipt of your Lordship's Despatch of the 20th of June, 1840, informing us that, having referred to Her Majesty's Advocate-General our Despatch of the 8th of April, 1840, reporting the case of the slave-vessel "*Africano Atrevido,*" captured by a detachment of soldiers in the Brazilian port of St. Francisco, the Queen's Advocate was of opinion that the Mixed Court of Commission at this place had not, by treaty, any jurisdiction in a case of this nature, and that we were, therefore, right in declining to entertain the case in question.

We beg leave to thank your Lordship for this communication.

We have, &c.
(Signed) GEORGE JACKSON.
FRED. GRIGG.

The Right Hon. Viscount Palmerston, G.C.B.,
&c. &c. &c.

(Extract.) No. 200.

Her Majesty's Commissioners to Viscount Palmerston.

Rio de Janeiro, October 5, 1840.
(*Received January* 2, 1841.)

REFERRING your Lordship to Mr. Grigg's Despatch of the 26th ultimo, we have now the honour to transmit to your Lordship herewith the following Documents in original and translation.

(A.) The Declarations of Commander Smyth, with their respective enclosures, relative to his detention of a Brazilian galliot named the "*Alexandre*," on suspicion of her being engaged in the Traffic of Slaves, on the 2nd of September, 1840, off the entrance of Rio de Janeiro.

(B.) The sentence of the Court, dated the 10th of September, 1840, restoring the galliot to her owners.

(C.) Our Report of the Case, from which your Lordship will perceive that the reasons given by the captor for the detention were considered by the Court as wholly groundless, and that the vessel in question is, and has been for years, a regular coaster between this port and that of Campos.

(D.) A Petition from Lieutenant Woodgate, who acted as Captain Smyth's agent on this occasion, dated the 9th of September, desisting from any further proceedings against this vessel, and praying her immediate restitution.

The "*Alexandre*" was sailing with a passport, in due form, from the present Minister of Marine.

Your Lordship will observe in this sentence the renewed protest of the Brazilian Commissary Judge against the right of British cruisers to detain Brazilian vessels on their outward voyage, so long as the additional Article signed by Mr. Fox shall not be ratified. That ratification being no longer dependent on the legislative body, in consequence of the cessation of the Regency, with the creation of which the restriction requiring the approval of the former originated, it is to be hoped will meet with no further difficulty; the more so, as just before the close of the session, up to which time nothing further had passed on the subject, the Minister for Foreign Affairs applied to the Chamber of Deputies for the return of the original documents, which for the last four or five years have been waiting in their archives for approval, an application which was immediately complied with, without any discussion, and without the formality of its being submitted to the Committee of Diplomacy to report upon.

First Enclosure in No. 200.

(A.)

Captor's Declarations.

I, WILLIAM SMYTH, Commander of Her Britannic Majesty's sloop "Grecian," hereby declare, that on this 2nd day of September, 1840, being S.W. ½ S. 23 miles from the Sugar Loaf, at the entrance of Rio Janeiro, I detained the galliot named the "*Alexandre*," sailing under Brazilian colours, armed with no guns, no pounders, commanded by João Gonzalves Leite, who declared her to be bound from Rio Janeiro to Campos, with a crew consisting of 8 men, — boys, supercargo, and one passenger, whose names declared by them respectively are inserted in a list on the other side hereof; and having on board 45 or 47 pipes or large water-casks, being an extraordinary number, ten of which are empty, and the Master not being able to produce a certificate from the Custom-House at Rio de Janeiro, stating that a sufficient security had been given by the owners of such vessel that such extra quantity of casks should only be used for the reception of palm oil, or for other purposes of lawful commerce, besides which she has on board a large quantity of jerked beef, commonly used as provisions for slaves, which is likewise not contained in her manifest; I therefore directed a survey to be held upon her by certain officers, whose Report is herewith transmitted, and it being their opinion that she was most decidedly engaged in the Traffic in Slaves, I have detained her accordingly.

I do further declare, that I believe this vessel to be directly or indirectly engaged in the illicit Traffic in Slaves, contrary to the terms of the Convention between His Britannic Majesty and the Emperor of Brazil of date 23rd of November, 1826.

List of the Crew and Passenger.

João Gonzalves Leite.	João Luiz da Costa.
Antonio Gonzalves.	Manoel Joaquim.
Antonio Elias.	Ventura do M. João.
Manuel Joaquim da Cunha.	Coronel João Pedro da Silva Ferreira, passenger.
Vicente Ferrara.	

(Signed) WM. SMYTH, *Commander, H. M. Sloop Grecian.*
N. B. PEARCE, *Master, H.M.S. Grecian.*
JOHN MUNRO, *Surgeon, H.M.S. Grecian.*

SIR, *Her Majesty's Sloop "Grecian," September* 2, 1840.

WE, whose names are hereunto subscribed, in compliance with your order of this date, have been on board the Brazilian galliot "*Alexandre*," and taken as strict and careful a survey of all on board as is possible without disturbing the cargo, and find as follows.

Her principal cargo consists of about 45 leaguers or water-casks, 2 being filled with fresh water, 8 empty, the remainder filled with salt water; also a very large quantity of jerked beef, such as slaves are generally fed with, 6 bags of rice, 3 of farina, 1 calavances, 4 very large empty cases, sufficient with the addition of a few rough spars also on board to make such a partition or bulkhead as was found erected in the slave-vessel last captured on this coast; also, 1 case, said to contain snuff, 2 casks of tobacco, 2 of tar, 1 of pitch, and 3 coils of rope; she has one suit of sails bent, sufficiently good to perform a voyage to the coast of Africa, the rigging complete and in good condition, 1 sound long-boat, 4 anchors, and 2 chain cables, and 1 grass cable. We also observe she is fitted with a much larger hatchway than is necessary for a vessel of the same size, which is fitted for gratings; there is also a large plank-house on deck, unnecessary for the accommodation of the crew, as there is very large accommodation for them below.

Viewing the vessel generally and her cargo, it is our opinion she is most decidedly engaged in the Slave trade.

Given under our hands on board the "*Alexandre*," this 2nd day of September, 1840.

(Signed) CHAS. T. WADE, *Lieutenant.*
THS. WOODGATE, *Lieutenant.*
N. B. PEARCE, *Master.*

Commander William Smyth.

I, WILLIAM SMYTH, Commander of Her Britannic Majesty's Sloop "Grecian," hereby certify, that on this 2nd day of September, 1840, being S.W. ½ S. 23 miles from the Sugar Loaf, at the entrance of Rio Janeiro, I detained the galliot named the "*Alexandre*," sailing under Brazilian colours, armed with — guns — pounders, commanded by João Gonzalves Leite, who declared her to be bound from Rio Janeiro to Campos, with a crew consisting of 8 men, — boys, supercargo, and 1 passenger, and having on board 45 or 47 pipes or large water-casks, being an extraordinary number, [illegible] of which are empty, and the Master not being able to produce a certificate from the Custom-House at Rio Janeiro, stating that a sufficient security had been given by the owners of such vessel that such extra quantity of casks should only be used for the reception of palm oil, or for other purposes of lawful commerce; besides which, she had on board a large quantity of jerked beef, commonly used as provisions for slaves, which is likewise not contained in her manifest: I therefore directed a survey to be held upon her by certain officers, whose Report is herewith transmitted, and it being their opinion that she was most decidedly engaged in the Traffic in Slaves, I have therefore detained her.

I do further declare that I believe this vessel to be directly or indirectly engaged in the illicit Traffic in Slaves, contrary to the terms of the convention between His Britannic Majesty and the Emperor of Brazil of date 23rd of November, 1826.

And that the papers and documents seized by me on board the said vessel are now brought and delivered up in the same plight and condition as when received by me, without any fraud, addition, subduction, or embezzlement whatever, save the marking and numbering thereof.

(Signed) WM. SMYTH, *Commander.*

Papers from No. 1 to No. 8.

(Signed) WM. SMYTH.

About 45 large casks or leaguers.
Ditto 400 arrobas of jerked beef.
6 bags of rice.
3 bags of farina.
1 calavances.
3 coils of rope.
1 barrel of pitch.
2 ditto of tar.
4 large empty cases.
1 case of snuff.
Rough spars and plank.
1 long boat.
4 anchors, 2 large and 2 small.
2 chain cables, 1 grass ditto.
1 set of sails and rigging complete.

The above we certify to have been found on board the detained vessel "*Alexandre*," the 2nd of September, 1840.

(Signed) CHAS. F. WADE, *Lieutenant,*
THOS. WOODGATE, *Lieutenant,*
N. B. PEARCE, *Master,*
JOAO G. LEITE.
} *H. M. S. Grecian.*

Second Enclosure in No. 200.

(B.)

(Translation.)

Sentence.

Rio de Janeiro, September 10, 1840.

THE present proceedings respecting the capture of the Brazilian galliot "*Alexandre*," on leaving this port, by the British brig of war "Grecian," William Smyth commander, on suspicion of being directly or indirectly engaged in the traffic in slaves, being examined, the Brazilian Commissary Judge, although he continues to protest against the right which the commanders of the British ships of war pretend to assume of detaining Brazilian vessels on leaving this port, without the cases in which such detention may be practised being sanctioned and mutually recognised by the two Governments, yet agrees with his colleague, the British Commissary Judge, with reference to the circumstances in which the vessel in question is found, in adjudging, as they both do, the detention of the same to be illegal, since, even if these cases were already recognised, the galliot in question, navigating for years past between this port and that of Campos, and having been employed, as is well known, in the coasting trade, could not in any way afford sufficient grounds for the suspicion of her being even indirectly employed in the traffic of Africans, inasmuch as the casks and large quantity of beef which were found on board of her; the indications on which the commander of the brig of war rested to detain and bring back the vessel to this port, could in no case of themselves alone lead to such a presumption, it being fully ascertained that the casks, some of which had been used for conveying wine, were sent to that port (Campos) to be filled with rum, as is the common practice, and others having already come here with molasses, were returning for the same purpose; and finally, that the beef belongs in part to the proprietors of the sugar factories of that place, and the other part was destined for the consumption of the inhabitants of the city of Campos.

Wherefore, seeing what has been set forth, the same Commissary Judges adjudge the detention of the said galliot to be illegal, and declare her to have been unduly captured by the brig of war "Grecian," and order her to be released and immediately delivered up to her lawful owners.

(Signed) JOAO CARNEIRO DE CAMPOS.
GEO. JACKSON.

(A true copy.)
(Signed) BRAZ MARTINS COSTA PASSOS.

(A true translation.)
(Signed) JOZE AGOSTINHO BARBOZA, Sen.,
Interpreter to the Commission.

Third Enclosure in No. 200.

(C.)

Report of the case of the Brazilian galliot "Alexandre," *detained by Her Majesty's brig of war* "*Grecian*," *William Smyth, Commander.*

Rio de Janeiro, October 5, 1840.

THIS vessel sailed from Rio de Janeiro for Campos, on the 1st of September, 1840, with water in pipes for ballast, and furnished with a passport, in due form, from the Minister of Marine.

On the following day, when distant from the entrance of this harbour about 23 miles, she was detained by Her Majesty's brig of war "Grecian," William Smyth commander, on suspicion of being engaged in the traffic of slaves, who, on the 3rd of September, brought the papers belonging to her into Court, and ratified the same on oath.

The usual monition, according to the forms of this country, having issued, the master and boatswain of the "*Alexandre*" were examined.

The first, João Gonçalves Leite, a Brazilian subject, swore, that he is master of the Brazilian galliot "*Alexandre*," and that the vessel was bound to Campos for the purpose of bringing thence a cargo of sugar, rum, coffee, wood, and molasses; that the 40 and odd pipes on board, some of which were filled with water and others empty, were intended as ballast, and that some were empty, not being required for that purpose, and that the whole belong to João Maria Collaço, who intended those with wooden hoops for rum, and those with iron hoops for bringing molasses to this place; that the large quantity of jerked beef on board belonged to several shippers at this place, and was to be delivered to various persons at Campos; that he had neither irons nor tubs for the use of blacks, as the officers who made the search were aware; that the vessel had been constantly employed in the coasting trade between Rio de Janeiro and Campos, carrying always the produce of the country, as he could show by a certificate "We, the undersigned, of this place;" that he bought the vessel, in May 1838, from Platt and Reid, an English house in Rio de Janeiro; that the casks with wooden hoops had served for carrying wine, and those with iron hoops for holding molasses; that he intended to lay on his vessel at Campos for freight, and to bring to this place whatever might offer. And on its being observed to the witness that the cargo on board is not declared in the manifest, he answered that such declaration was not necessary, as he was bound to a port within the province, and that he had the despatches ready to be delivered to the collector at Campos, this course having been followed several times before, and that his agreement with the crew was for ten milreis each, if they left the vessel at Campos, he advancing part of the same.

The second, Antonio Gonçalves Leite, swore that he is boatswain on board of the "*Alexandre*," and that he is a Brazilian subject; that the vessel was bound to Campos for the purpose of bringing from thence sugar, rum, or any other merchandize that might offer; that some of the casks found on board were to carry rum, and others molasses; that part of the jerked beef on board was shipped by

various persons on account of certain proprietors of sugar factories at Campos, and the remainder to be sold in that port; that he has belonged to this vessel for six years, since the time when she was the property of Platt, an English merchant, and naturalized Brazilian subject.

On the 9th of September, Lieutenant Woodgate, as Commander Smyth's agent, desisted from any further proceedings against the "*Alexandre*," and prayed that the Commissary Judges would be pleased to order that the said galliot should be immediately restored; and, on the 10th of September, they being of opinion that no grounds whatever existed for her detention, signed sentence of immediate restitution to her owners.

(Signed) GEO. JACKSON.
FRED. GRIGG.

Fourth Enclosure in No. 200.

(D.)

(Translation.) *Captor's Proctor's Petition.*

Rio de Janeiro, September 9, 1840.

LIEUT. WOODGATE, of Her Majesty's brig "Grecian," and as attorney for Commander Smyth in the proceedings before this Mixed Commission, in respect to the Brazilian galliot "*Alexandre*," says that the same was detained on this coast, on the 2nd of the present month, in consequence of the suspicious facts declared by the said Commander Smyth when he commenced this suit before this Commission on the 3rd instant; and the petitioner now declares that, under the circumstances of this detention, he, on behalf of the said Commander Smyth, desists from any further proceeding against the parties interested in the said galliot "*Alexandre*," and prays that the illustrious Commissary Judges will be pleased to order that the same be immediately restored.

(Signed) THOMAS WOODGATE.

(A true translation)
(Signed) JOZE AGOSTINHO LARBOZA, Sen.,
Interpreter to the Commission.

No. 201.

Her Majesty's Commissioners to Viscount Palmerston.

Rio de Janeiro, October 12, 1840.
(*Received January* 2, 1841.)

MY LORD,

ON the 31st of August, 1840, a vessel arrived in this port, prize to Her Majesty's brig of war "Wizard," under the name of "*Idalia;*" and on the 2nd of September, late in the day, Lieutenant Birch, commanding the "Wizard," brought into Court the papers of the patacho "*Paquete de Benguela.*"

From the declarations of Lieutenant Birch, which he then ratified on oath, and copies of which we have the honour to enclose herewith, it appears that this patacho was detained on the 29th of August, 1840, in or about latitude 23° 20′ South, longitude 46° 4′ West, with 280 Africans on board, and that she was then sailing under no colours, but a passport, which she had obtained from the Governor of Benguela, declared her to be the Portuguese patacho "*Paquete de Benguela,*" bound for Montevideo, touching at Hanha.

She had further a document, also obtained at Benguela, purporting to be a certificate of register, but evidently so irregular and inaccurate as to be deserving of no credit.

The sentence of the Court, condemning the vessel and emancipating the Africans on board, and our report of the case, both hereunto annexed, will put your Lordship fully in possession of the particulars of this capture.

As stated in Mr. Grigg's Despatch to your Lordship of the 26th ultimo, this sentence was agreed upon between the British and Brazilian Commissary Judges a fortnight before the actual date which it bears; but, owing to the illness of the former, his signature and other requisite formalities were necessarily delayed till the 28th.

The only circumstance which remains to be mentioned is the escape of the master and supercargo of this vessel. For the particulars of this transaction we beg to refer your Lordship to the enclosed copy of a letter addressed by Commander Birch to Her Majesty's Commissary Judge, dated the 6th of September. It is not for us to make any comment on this escape, but, lest the wording of Commander Birch's letter should convey an erroneous impression, it is right to say that [illegible] the officer, in whose charge the prisoners were, did

"not observe the guard at the slip," it must have been from his not having approached sufficiently near, as both the Marshal of the Court and the Brazilian guard were in attendance at that particular spot for hours, waiting the arrival of the prisoners.

We have, &c.

(Signed) GEORGE JACKSON.
FRED. GRIGG.

The Right Hon. Viscount Palmerston, G.C.B.,
&c. &c. &c.

First Enclosure in No. 201.

Captor's Declaration.

I, THOMAS FREDERICK BIRCH, commander of Her Majesty's brig "Wizard," hereby declare that, on this 29th day of August, 1840, being in or about latitude 23° 20′ south, longitude 46° 4′ west, I detained the brigantine named the "*Paquete de Benguela*," sailing under no colours, and had no guns on board, commanded by Francisco Pereira Nunes, who declared her to be bound from Benguela to Montevideo, with a crew consisting of 12 men, 1 boy, and 4 passengers, whose names, as declared by them respectively, are inserted in a list at the foot hereof, and having on board 284 slaves, said to have been taken on board at Benguela on the 31st day of July, 1840, and are enumerated as follows, viz.,

	Healthy	Sickly
Men	95	5
Women	52	3
Boys	59	4
Girls	60	6

I do further declare that the said brigantine appeared seaworthy, and was supplied with a sufficient stock of w[illegible] and provisions for the support of the said negroes and crew on their destined voyage to Rio d[illegible]neiro.

I do further declare that she has hatches fitted with iron bars, temporary bulkheads made of hide, [illegible] lieu of slave-deck hides over the water-casks, a quantity of baskets used for farinha in place of me[illegible]ss-kids, and a large boiler unshipped, the cook-house having been thrown overboard during the chas[illegible]e to lighten the vessel. Many of the Africans are branded thus—

F.L.2. F.W. 3.&.

List of the Crew.

Francisco Pereira Nunes, master.
Luis Caetina, boatswain.
Antonio Maria d'Oliveira, seaman.
Jozé Marques da Costa, ditto.
João da Silva, ditto.
João Pedro do Sperte Santo, ditto.
Severino Jozé do Pinho, ditto.
Francisco Jozé da Silva, ditto.
Vincente Pereira Nunes, boy.
Manoel Pereira dos Santos, seaman.
João Nunes, Antonio Fereira, } Africans.
Roderigo Marques, Francisco Shevia, } Seamen not entered in the muster-roll.

List of Passengers.

Francisco de Reis.
Braz Antonio Coutinho.
Manoel Velloso da Rocha.
Antonio Jozé Ferreira de Souza.

(Signed) E. F. BIRCH, *Lieutenant and Commander.*
WILLIAM ELLIS, *Second Master.*
JOHN FINDLAY, *Assistant Surgeon.*

Second Enclosure in No. 201.

I, THOMAS FREDERICK BIRCH, commander of Her Britannic Maj[illegible] hereby certify, that, on this 29th day of August, 1840, being in or abou[illegible] longitude 44° 6′ west, I detained the brigantine named the "*Paquete B*[illegible] colours, and had no guns on board, commanded by Francisco Pereira N[illegible]

bound from Benguela to Montevideo
and having on board 284 slaves, viz.

Men .
Women
Boys . .
Girls . .

And that the papers and documents seized b
are enumerated in the following list, viz. :—

No. 1. A bundle in one silk bag (s

(Signed) T
W
JOI
FRA
Capt

Third Enclosure in No. 20

Our Sovereign Lady the Queen Victoria against the pat
Francisco Pereira Nunes, master, her tackle, apparel, and furniture,
chandise, and slaves on board the same, taken by Her Majesty's brig "W
Birch, Esq., commander, and brought to Rio de Janeiro.

Appeared personally Thomas Frederick Birch, Esq., commander of Her
"Wizard," duly authorised and empowered according to the provisions of the e
tween Her Britannic Majesty and the Emperor of Brazil to make seizures of vesse
Slave Trade, being duly sworn, maketh oath that, on the 29th day of August, 1840,
latitude 23° 20′ south, and longitude 44° 1′ west, he seized and detained the ves
"*Paquete de Benguela*," whereof Francisco Pereira Nunes was master, by the reason
patacho was employed in the traffic of slaves contrary to existing Treaties entered
Britannic Majesty and the Emperor of the Brazils; and the deponent farther maketh
papers, writings, and documents hereunto annexed, marked , were given or delivered
deponent by the master of the said patacho, and that the same are now brought and deliver
the same plight and condition as when so received by this deponent, without any fraud, ad
subduction, alteration, or embezzlement whatever, saving the numbering and marking thereof.
I further declare that the parcel of letters marked No. 2 were found in the master's chest on searchi
it on the 1st of September, 1840, previous to his removal to Her Majesty's ship "Crescent." Als
that logs and papers, marked No. 3, were found in the master's bed-place. Also that the letter
and conhecimento were taken from the person of Antonio Jozé Ferreira de Souza on removal to
the "Crescent."

I have also to state, from the impossibility of counting the Africans correctly at sea, a mistake has arisen, and that the following is the correct list :—

Men	59
Women	52
Boys	108
Girls	61

Fourth Enclosure in No. 201.

(Translation.) *Sentence.*

Rio de Janeiro, September 28, 1840.

By the present proceedings it is seen that the patacho "*Paquete de Benguella*," taken with a passport from the Governor of Benguela for Montevideo, touching at Hanha, by the British brig of war "Wizard," Thomas Frederick Birch commander, on the 29th day of last month, in latitude 23° 20′ south, longitude 44° 6′ west, for having on board 280 Africans, is precisely the same patacho which sailed from this port in April of the present year, with clearances for Lisbon by way of Angola, under the name of "*Idalia*," prepared and fitted out by her real, or fictitious, owner, Albino Pinto de Carvalho, a Portuguese subject, then resident in this place, as is proved by the certificate of the Portuguese Consulate, by which it is also seen that this same vessel had already made another voyage to the coast of Africa under this same name, and commanded by Francisco Pereira Nunes himself, who has now come in her as master. That proceeding on the present voyage direct to Benguela, the vessel was there pretended to be sold to Manoel Joaquim Teixeira and Jozé Joaquim Teixeira, to be by them despatched, as their property, in ballast, for Montevideo; that outside the bar she received the Africans who were found in her, and that she was on her way with them direct to the ports of Brazil.

That the patacho in question is, in fact, the same patacho "*Idalia*," purchased here for the former voyage and the present, is proved by the certificate of registry itself passed in Benguela. That her object was the traffic in Africans is evident by their being on board, and that they were on their way to this province is to be inferred, not only from the vessel's course, but also from the contents of some letters found on board in the act of her detention, in one of which even the person to whom the vessel was addressed is referred to: all such circumstances causing the well-founded suspicion that this vessel

…and that the pretended sale to the
…it appear that she was no longer the
…hen he purchased and despatched the
…residing there, in order thus to with-
…is Mixed Commission has of late been
…in regard to the colours of the vessels
…therein enjoined to put a certain schooner
…ng with the Portuguese flag and papers,
…ich the vessels of that nation employed in

…in the sale of the patacho in question, and to
…added the suspicion arising from the aforesaid
…one, figured as men of straw in transactions similar
…t of documents to prove the sale, inasmuch as the
…although it might have been sufficient if executed in
…nts, establishing the national character of the vessel and
…esent instance in which the incorrectness of that register as
…guese Vice-Consul is ascertained, is also not corroborated,
…document, such as the bill of the pretended sale to the afore-
…of which they cannot be considered as the owners and pos-

…set forth, and without entering into a more minute analysis in
…question and her cargo belong to subjects of this empire, the Com-
…ct that she was purchased and fitted out here, as has been demon-
…t Benguela cannot be considered legal, but was in reality simulated, as
…ransactions, and finally, from the conviction that the Africans are destined
…Janeiro, the master being interested therein, and even charged with the
…s was deposed by a witness, and as appears by a letter in the process), who,
…ore this Commission in order to be interrogated, afforded by his escape a further
…of his criminality, adjudge the detention of the aforesaid patacho "*Paquete de*
…erly "*Idalia*," to be lawful, and the same to be good prize to Her Britannic
…f war "Wizard," and condemn her and all the cargo on board in virtue of the Addi-
…tion of the 28th of July, 1817, of that of the 23rd of November, 1826, and of the
…f 1835, with exception of the surviving Africans, to the number of 274, whom they
…free and emancipated, to be placed at the disposal of the Government of His Majesty the
…n virtue of the 7th Article of the Regulation annexed to the aforesaid Convention of 1817.

(Signed) JOAO CARNEIRO DE CAMPOS.
GEO. JACKSON.

(A true translation.)
(Signed) JOZE AGOSTINHO BARBOZA, Junr.,
Interpreter to the Commission.

Fifth Enclosure in No. 201.

Report of the Case of the "Paquete de Benguela," *Francisco Pereira Nunes, Master.*

THIS vessel sailed, in ballast, from Benguela, with a passport for Monte Video, to touch at Hanha, from the Governor of Benguela, dated 1st of July, 1840, and was captured by Her Majesty's brig-of-war "Wizard," Lieutenant Birch commanding, on the 29th of August, 1840, in or about lat. 23° 20′ S., long. 46° 4′ W., with 280 Africans, who, it appears, were taken on board outside the bar the day after the vessel left Benguela. She had cleared out from Rio de Janeiro on the 4th of April, 1840, for Lisbon, *viâ* Benguela, under the name of "*Idalia*," with a passport given by the Governor of Angola, Antonio Manoel da Noronha, on the 9th of August, 1839, with which she had arrived at Rio de Janeiro in the interim, and to which the Portuguese Vice-Consul affixed the visé, a copy of which is here annexed.

She was further provided with a certificate of register, also obtained at Benguela, dated the 1st of August, 1840, declaring her to be Portuguese built, that she had been Portuguese property before the year 1836, and that she had been sold, in June last, to two Portuguese subjects, resident at Benguela, Manoel Joaquim Teixeira and Jozé Joaquim Teixeira, who changed her name from "*Idalia*" to that of "*Paquete de Benguela*."

The usual monition, according to the forms of this country, having issued, the depositions of the master and boatswain were about to be taken, when both these individuals made their escape, and there remained only for examination a common sailor and two passengers.

The first witness, Rodrigo Marques, a white man, 40 years of age, single, native of Aveiro, a Portuguese subject, who gains his livelihood by going to sea, and is at present a sailor on board the patacho "*Paquete de Benguela*," swore that his name was not entered on the muster-roll on account of his being ill at the time it was made, but that he asked the captain to take him as a sailor; that he left this for Benguela in the same vessel, then called "*Idalia*," as a sailor, but that he does not know to whom she belonged; and that he made his agreement, not for the round voyage, but to Benguela only, at 20,000 reis per month, with the same captain that now came in her, Francisco Pereira Nunes, who, he understood, was interested in her; and, on being questioned as to a letter addressed to the captain, by which it appears that he, deponent, received 3 slaves to be delivered to the former, when the patacho should arrive at her destined port, declared that he did not receive any such blacks, and that he, Rodrigo Marques, brought no cargo in this vessel either on his own or any other person's account; that he understood, from the name being changed to "*Paquete de Benguela*," that she had been sold to persons residing at Benguela, but he did not know by whom; that she cleared out for Monte Video; that his wages were 20 milreis per month; that he did not know she was to bring

slaves, of which he was only aware w
nor is it customary to acquaint sailors
one from the voyage he made in her
to five years, when he came, for the firs
bon in the Portuguese ship "*San Gu*
Miguel had already left Portugal; that h
two years, proceeding afterwards to Bahi
to Lisbon, where he stopped on shore t
de Palma," sailing from this about a month

This witness, again affirming that he had
one above mentioned, was shown a documen
proving him to have come from Angola in 1836,

The second witness, Braz Antonio Coutinho, a
bon, Brazilian subject, gets his livelihood in busines
come here previous to its independence; that he has s
voyages to the coast of Africa, as well as to Brazilian port
he traded in mats, oil, and wax; that he never brought a
since the prohibition, and that, for that reason, he would nev
he did not know to whom those on board this vessel belong
for Monte Video, and that the same were shipped outside of the
that he took his passport for Monte Video, whither the master told
he did not know who was the owner of this patacho, either here
from hence for the coast of Africa in a Brazilian sumaca on the 28th

The third witness, Antonio Jozé Pereira de Souza, a white man, 3
Portugal and a Portuguese subject, gets his livelihood by trade, swore
year 1827; that from hence he went to Rio Grande, whence he returne
turbances there; that he afterwards went to Portugal, and, returning fro
Benguela in the Brazilian barque "*Andorinha*" in June of the present year, fo
in ivory and wax, and that, stopping there but a short time, he left his funds in th
to employ them as a favourable opportunity might offer, or to remit them to him i
now returned in this patacho "*Paquete de Benguela*," bound for Monte Video; that
who were her owners, but that he understood she was sold in Benguela, and that the ow
captain, Francisco Pereira Nunes, and a passenger, who remained behind; that he was
when he sailed from Benguela, that she was to bring slaves, and only suspected it, and t
tination was for Brazil, though the captain always affirmed that it was for Monte Video;
not know to whom the slaves on board belong, and that he never was employed in such busi
he returned from Rio Grande in 1835 or 1836, and continued here and in the neighbourho
1838, when he went to Oporto, from whence he returned after an absence of six months, an
from that time until his departure for Benguela, he was in partnership in a store in this city.
statement was found to be untrue by the production of a document passed by the Portuguese Co
sulate at Rio de Janeiro, proving him to have arrived in the brig "*Minerva*" in 1837. A further
contradiction appeared between his passport and his petition to the Governor of Benguela for the same,
which declared him to be clear to pursue his voyage in the "*Paquete de Benguela*" to the Cape de
Verd Islands, neither of which contradictions could he satisfactorily account for.

No claim was made for the vessel, but Mr. Hesketh, as Proctor for the captor, put in a paper, a translation of which is hereunto annexed, together with the principal documents to which it refers, and the proceedings of the Court having been suspended from the 14th to the 28th, by the illness of the British Commissary Judge, sentence was passed on the latter day, condemning the "*Paquete de Benguela*" as good prize to Her Majesty's brig-of-war "Wizard," and emancipating the surviving slaves.

(Signed) GEO. JACKSON.
FRED. GRIGG.

Rio de Janeiro, 12th October, 1840.

Sixth Enclosure in No. 201.

(Translation.) *Annex No. 1 to Report.*

ILLUSTRIOUS COMMISSARY JUDGES OF THE MIXED COMMISSION, &c., &c.

ROBERT HESKETH, as proctor for the Captor of the patacho "*Paquete de Benguela*," says that it was not possible for him to obtain before to-day, the 14th of the present month of September, the annexed certificate of the General Consulate of Portugal at this Court, by which the petitioner wished to prove the last paragraph but one of the document, in which he pretends to show that the patacho "*Paquete de Benguela*" cannot be considered a Portuguese vessel; and since it appears that the said certificate contains other matters proving the irregularities committed in Benguela, with respect to the despatching of the said patacho, therefore he asks the indulgence of you, Gentlemen, to allow the annexed certificate to be added to the process of the said patacho.

Answer of the Court to the above.

Rio de Janeiro, September 18th, 1840.

Let it be added to the process.

(Signed) CARNEIRO.
G. JACKSON.

A true translation.

(Signed) JOZE AGOSTINHO BARBOZA, Junr.
Interpreter to the Commission.

D.

. 201.

Rio de Janeiro, September 14, 1840.

of the Portuguese General Consulate in
espatches of vessels cleared by this Con-
April of the present year, of the patacho

e passport with which she entered from
signed by the Governor of that province,
me passport, because having petitioned for an-
would not give any other than the passport with
isé :—'Good to proceed on her voyage to Lisbon
anifest, and also with the persons named in her
ed in order to its being made useless, and to her pro-
cuments as required by law, being valid only as far as
, 1st of April, 184[illegible]. Francisco Joao Moniz, Vice-

which I refer, in faith of which I sign the present, and seal it

(Signed) FRANCISCO JOAO MONIZ,
Vice-Consul.

(Signed) JOZE AGOSTINHO BARBOZA, Junr.,
Interpreter to the Commission.

Eighth Enclosure in No. 201.

Argument of the Captor's Proctor.

Rio de Janeiro, September 11, 1840.

patacho "*Paquete de Benguela*," detained on the 29th of August, 1840, by Lieutenant
ander of Her Britannic Majesty's brig "Wizard," with Africans on board, was met
Frio, and during the chase that followed, made for the Bar of Marambaya, and was cap-
rly in that latitude. The vessel had sailed from Benguela in ballast, and received the Africans
ours after she had sailed from that port as the witnesses declared, and by her log directed her
e steadily for Cape Frio. By the correspondence found on board, it is evident that the patacho
a cargo of slaves, and intended to land them on some part of the coast near to Rio de Janeiro.
e plan, therefore, of the voyage is clearly proved, notwithstanding the declarations of the witnesses,
nd notwithstanding the impossibility of the patacho being able to prolong her voyage beyond the
neighbourhood of Rio de Janeiro, in consequence of the exhausted state of the water and provisions
on board, and for these reasons it is needless to make any further observation either upon the crimi-
nality of the voyage, or that of those interested as well in the Africans as in the vessel.

What seems most essential is to give a true description of the manner in which the patacho "*Paquete de Benguela*" was navigating with the Portuguese flag, clearly endeavouring to escape under such flag from the jurisdiction of this Mixed Commission.

By the register, dated Benguela, 1st of August, 1840, it is wished to be proved that in June last, Manoel Joaquim Teixeira and Jozé Joaquim Teixeira bought this vessel in Benguela from Albino Pinto de Carvalho, a person residing at Rio de Janeiro, the vessel having arrived from that port under the name of the "*Idalia*."

But this declaration is not proved by any copy of bill of sale, or title of property, a document which is not only required by the law that regulates the Portuguese mercantile navigation; but if it was not a fictitious sale, would be requisite for the legal and ordinary security of the new proprietors, particularly as the vessel was returning to the country to which she had appertained.

Other reasons exist to prove the fictitious sale of the patacho in Benguela, viz. M. J. Teixeira and A. J. Teixeira have repeatedly appeared as owners of vessels condemned by this Mixed Commission, it being proved that such vessels belonged to other owners residing at Rio de Janeiro; the boatswain and six other persons of the crew of the "*Paquete de Benguela*" are the same which sailed from hence in April last when she was the "*Idalia*." Francisco Pereira Nunes comes as captain of the "*Paquete de Benguella*," and is the same that sailed from hence in the same vessel under the name of "*Idalia*," in June 1839; and the witness Rodrigo Marques declares that he agreed with this same Nunes as sailor, when the "*Idalia*" again sailed from here to Africa in April last, saying at the same time that he considered this same Nunes as interested in the patacho; a former owner and master thus continuing in the patacho after a change of both the proprietors and voyage, which is a contradiction, showing the sale in Benguela to be fictitious as well as the voyage to Montevideo.

By the enclosed documents, Nos. 1 and 2, and by the other, it is seen that the patacho "*Idalia*" sailed from Rio de Janeiro for Cape Verd and Angola on the 30th of June, 1839, arrived from Angola in ballast on the 6th of December, 1839, and sailed for Lisbon and Benguela on the 4th of April, 1840; it is by this seen that this vessel has been employed in the unlawful trade between Rio de Janeiro and the coast of Africa; that Rio de Janeiro has been the residence of her owner, and the port where she was fitted out for the voyage.

What further shows the sale in Benguela to be fictitious, is the declaration of the witness Rodrigo Marques, that though he knew the Captain Nunes as interested in the "*Idalia*" when he made his agreement at Rio de Janeiro, and when the patacho was fitted out for the voyage, he does not know who made the sale of the same patacho in Benguela; he (Marques) being then on board, not as part of the crew, but as consignee of slaves existing on board, which had been shipped on account of persons residing at Rio de Janeiro, as is proved by letters added to this process.

From this a clear conviction is drawn that the patacho "*Idalia*" sailed from Rio de Janeiro for the

coast of Africa, employed in a specul
it was intended to complete it in the
other name, so as to conceal the trans
or dangers of this transaction, that at p
in case the patacho should be met with

But the interested parties will not
register of the "*Paquete de Benguela.*"
bill of sale mentioned in it, has another
a certificate given at Rio de Janeiro, date
been given by the Portuguese Consulate; a
formerly a pilot-boat on the River Chesapeak.

Therefore all the allegations that pretend to w
port in April last, from the jurisdiction of this M
the facts clearly prove and demonstrate that the pa
Trade between Rio de Janeiro and the coast of Africa,
neiro, the true owners concealing themselves, and appear
nobody knows; and finally with the same view simulating

In the last place, the escape of the Master Nunes and o
sentence.

From these observations the conviction is drawn, that th
vessel belonging to Rio de Janeiro, illegally covered with the
Slave Trade with Africa.

(Signed)

A true translation.

(Signed) JOZE AGOSTI
Interpreter

The Commissary Judges,
&c. &c.

Ninth Enclosure in No. 201.

(Translation.) *Certificate of Portuguese Consul.*

I, Francisco Joao Moniz, Vice-Consul, in charge of the Portuguese Consulate-
Her Most Faithful Majesty at Rio de Janeiro, hereby certify, that in the archives of this C
there exists the bill of sale of the Portuguese patacho called "*Idalia,*" and the following is
respecting what the petitioner requests:—

Albino Pinto de Carvalho, a Portuguese subject, resident in this place, bought on the 18th
June, 1839, the Portuguese brig "*Triunfo,*" to which he gave the name of "*Idalia,*" as is seen by t
same bill of sale, and sailed for Lisbon, touching at Angola on the 4th of April, 1840, this being her
second voyage as the "*Idalia,*" whose muster roll is as follows:—Master, Ignacio Soares de Simas
Fayalense, 25 years of age, native of Fayal, single, Portuguese; mate, Francisco Ignacio Pereira,
43 years of age, single, Portuguese; boatswain, Luiz Caetano, 25 years of age, of Lisbon, single, Portuguese; student, Vicente Pereira Nunes, 16 years of age, of Fayal, ditto; carpenter, Antonio Jozé Pinto, 23 years of age, of Oporto, single, ditto; sailor, Severino Jozé de Pinho, 23 years of age, of Oporto, ditto, ditto; Jozé Marques da Costa, 24 years old, of Lisbon, ditto, ditto, ditto; Joao Simoens, 30 years of age, of ditto, ditto, ditto; Frederico Manoel, 24 years of age, ditto, ditto, ditto, ditto; Rodrigues Marques, 40 years of age, of Aveiro, ditto, ditto, ditto; Manoel Jozé Moreira, 27 years of age, of Oporto, ditto, ditto; boy, Jozé Francisco de Lacerda, 30 years of age, of the island of Pico, married, ditto, ditto, ditto; Manoel Pereira dos Santos, 24 years of age, of Lisbon, single ditto; Joao, black, of Benguela, slave of Francisco Ignacio Pereira, ditto; Crispin, of Angola, slave of Albino Pinto de Carvalho.

In faith of which I have passed the present, signed by me, and sealed with the seal of this General Consulate of Portugal at Rio de Janeiro, 9th of September, 1840.

(Signed) FRANCISCO JOAO MONIZ,
Vice-Consul.

A true translation.

(Signed) JOZE AGOSTINHO BARBOZA, Junr.,
Interpreter to the Commission.

Tenth Enclosure in No. 201.

Extract from the "Despertador" *Newspaper of this City, dated July* 1, 1839.

Sailings on the 30th of June.

For Cape Verd and Angola the Portuguese patacho "*Idalia,*" 70 tons, Captain Francisco Pereira Nunes; crew 15; general cargo; passengers Portuguese, Gaspar Baptista Camacho, Jozé Manoel dos Santos, Joaquim Pinto Gomes, Manoel Pedro, Cazemiro Barreto do Pinho.

A true translation.

(Signed) JOZE AGOSTINHO BARBOZA, Junr.,
Interpreter to the Commission.

. 201.

neiro, December 7, 1839.

of December.

" 90 tons, Captain the mate Jeronimo
ains in quarantine.

JOZE AGOSTINHO BARBOZA, Junr.,
Interpreter to the Commission.

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nclosure in No. 201.

erk of the Consulate of Rio de Janeiro.

Clerk of the Consulate Board of Rio de Janeiro, certify, that
e financial year 1839 to 1840 for entering the Despatches of
l, that on the 1st of April of the present year the Portuguese
eared out for Lisbon by Benguela, to sail on the following day with
of the captain, whose name is Ignacio Soares de Simas Fayalense,
arvalho. I cannot however certify the names of the crew, owing to the
t they may be certified by the respective Consul where the muster-roll is
at this Board when the vessel clears out.
h according to the contents of said book to which I refer.

(Signed) JOZE JOAQUIM DE FREITAS.

A true translation.

(Signed) JOZE AGOSTINHO BARBOZA, Junr.,
Interpreter to the Commission.

Thirteenth Enclosure in No. 201.

slation.)

Certificate of the Clerk of the Consulate of Rio de Janeiro that the sale is doubtful.

Rio de Janeiro, September 9, 1840.

I, JOZE JOAQUIM DE FREITAS, Clerk of the Consulate Board of Rio de Janeiro, &c., hereby certify, that examining the book used for registering the Despatches of foreign vessels leaving this empire, in the same page 71, is found to have cleared out on the 1st of April of the present year, to sail on the following day, the Portuguese patacho "*Idalia*" for Lisbon, to touch at Benguela; the residence of her owner does appear in this Department, he being a foreigner, as also it does not appear that the duty on purchase (ciza) has been paid (if the same did take place), owing to all the books of the last financial year having been sent to the national treasury.

The above is the truth, and appears from the respective book in the part relative to the sailing, and to it I refer.

(Signed) JOZE JOAQUIM DE FREITAS.

A true translation.

(Signed) JOZE AGOSTINHO BARBOZA, Junr.,
Interpreter to the Commission.

Fourteenth Enclosure in No. 201.

Commander Birch to Sir George Jackson.

Her Majesty's Brig "Wizard,"
Rio de Janeiro, September 6, 1840.

SIR,

IN pursuance of a requisition from the Court of Mixed Commission, the prisoners, Francisco P. Nunez, master, and Luiz Caetano, contra-master, under charge of Mr. Humphries, gunner, proceeded towards the Palace rampart, when, not observing the guard at the slip, and being beckoned to Pharoux Stairs by soldiers in the uniform of the artillery, supposing they were the guard, as also on landing, the corporal apparently in charge reporting they were sent for that purpose, the gunner delivered them up; when falling in, they marched off, and at the distance of 300 or 400 yards, broke and allowed the prisoners to escape, striking and forcing the gunner to retreat to his boat.

I have, &c.

(Signed) T. F. BIRCH,
Commander.

Sir George Jackson, British Commissioner.

My Lord,

Your Lordship will obser
Benguela," reference to letters foun
vessel, implicating various individuals
The proctor for the captor having ha
documents, we had hoped that his inqui
point, and that he would have furnished th
mation; but not having done so up to the ti
were agreed upon the main points of the sent
Judge, being at that time confined to his bed,
to be drawn to the letters in question, in consequ
ing letter was received from that gentleman.

We quite concur in the opinion that any informa
zilian police or other authorities would be more satis
any other inquiry could possibly be; but the Court
require such information, nor would a request to that
likely to meet with much attention, unless upon a previous
the Imperial Government.

The result of the inquiries in this particular instance was
warrant the declaring any of the individuals referred to as having
penalty of the 1st article of the Convention of the 23rd of Novembe

It may here be not irrelevant to observe, that the inconvenience
in our preceding reports as likely to result in this country from m
proceedings of the Court public, referred to the facility which such a p
offers to the slave interest to become acquainted with what is passing i
Commission, and thus impede or frustrate its measures, either by assemb
in undue numbers in Court, as they have already shown a disposition to do,
by plotting the escape of witnesses on their passage up to the Commission.

With reference to this part of the subject, we have the honour to transmit herewith, in original and translation, a correspondence between the Brazilian Minister of Marine and the Minister for Foreign Affairs, which the Brazilian Commissary Judge laid before the Commission on the 7th inst.

We have, &c.

(Signed) GEORGE JACKSON.
FRED. GRIGG.

The Right Hon. Viscount Palmerston, G.C.B.,
&c. &c. &c.

P.S. As an evidence of the attention given by the present administration to all that concerns captured new blacks, we further subjoin an instruction addressed by the Minister of Justice to the Judge of Orphans, respecting the safe removal of those belonging to the "*Paquete de Benguela*," and the reply of the latter functionary; from both which we may hope for a discontinuance in future of those abuses which have been hitherto too frequent in such matters.

(Signed) G. J.
F. G.

First Enclosure in No. 202.

Mr. Hesketh to Sir G. Jackson.

Sir, *Consul's Office, Rio de Janeiro, September* 23, 1840.

I have the honour to enclose a statement showing the result of inquiries I have made in consequence of the verbal request of the Registrar of the Mixed Commission Court on certain points of the evidence which grew out of the case of the "*Paquete de Benguela*."

That request was made on the 18th instant, and I regret, that in consequence of holidays on the 19th, 20th, and 21st, independent of the difficulties embarrassing private inquiries into such matters, I could not sooner transmit this statement.

After all, the information I have obtained would have proved more satisfactory if furnished by the

…O.

…ed myself to the utmost to meet your

…ar as the proctor for the captor is con-
… the enclosed statement, as it answers
… obtain on such important points, and
… Affairs this proof of my previous asser-
…, appears destitute of efficient means to
…n which its judgment is required.

I have, &c.

(Signed) ROBERT HESKETH,
H. B. M. Consul.

…closure in No. 202.

… Five Persons referred to in the Correspondence found on …e "Paquete de Benguela."

	…esidence.	Nation.	Observations.
	…io de Janeiro .	Brazilian .	Ascertained by inquiries at the Municipal Registers.
	..	..	No information obtainable, and name presumed to be fictitious.
Ma- …s.	Rio de Janeiro .	Brazilian .	Manoel Pereira Gomez is found to be a Brazilian, and a dealer in slaves; and there is every probability that the last name of Gomes is purposely omitted to prevent detection.
…quim Marques	Rio de S. Joaõ .	,,	This person is extensively engaged in Slave Trade, and in partnership with a brother resident in Rio de Janeiro.
…de Araujo Cunha .	..	..	Nothing can be ascertained respecting this person; supposed to be a fictitious name.

Rio de Janeiro, September 23, 1840.

The following is the only entry at the Portuguese Cousulate respecting the Portuguese schooner, or brigantine, "*Eliza :*"—"Patacho Eliza despachou 18 de Março de 1837, para Cabo Verde, por Benguela e Angola, Mestre Francisco de Paula Sodre, e proprietario Manoel Jozé Martins.' There was also a private memorandum to the following effect:—"Passaporte extraordinario assignado pelo encarregado dos negocios de Sua Magestade Fidelissima, Joaõ Baptista Moreira."

There is no further trace of this vessel in that consulate, and the inference is that she returned to Rio de Janeiro under some other name, with an African passport, and still alluded to in the correspondence under her old name, as a nick-name; a system which appears adopted, not only with regard to vessels, but also to persons, by the slave dealers.

The documents showing the particulars of Brazilian vessels purchased up to 30th of June are now in the Treasury Archives, from which it requires much time to extract certificates, and I could not get any information from that date forward at the consulado's.

The owner of the "*Idalia,*" Albino Pinto de Carvalho, is a Portuguese, living in Rua d' Alfandega, between Rua dos Vuvides and Rua da Valla; I believe in No. 93, and also at Larangeiras.

(Signed) ROBERT HESKETH.

Third Enclosure in No. 202.

The Minister of Marine to the Minister for Foreign Affairs.

Palace, October 1, 1840.

The Chief of Division charged with the department of the marine arsenal reports, by a Despatch in date of yesterday, that although what your Excellency points out in your note of the 26th of last month, in respect to the bringing up of the prisoners belonging to vessels detained by the British forces for examination by the Mixed Brazilian and British Commission, appears to him to be very proper; yet, as it often happens that there is only one ship of war in this port, whose officers, being employed on various services, could not be withdrawn from the same without material inconvenience, he thought that the object in question might be attained, by the providing from the marine arsenal of a boat for the guard of soldiers, who may be appointed to accompany such prisoners from on board of the vessel in which they may be to the said Commission Court; the which I communicate to your Excellency for such decision as you may think most expedient.

God preserve, &c.

(Signed) ANTONIO FRANCISCO DE PAULA E HOLLANDA.
CAVALCANTI DE ALBUQUERQUE.

To Senor Aureliano de Souza e Oliviera Coutinho.

(A true Translation.)

(Signed) JOZE AGOSTINHO BARBOZA, Jun.,
Interpreter to the Commission.

RI

Fourth

The Minister of

Sir,

I send to you herewith a copy
when prisoners from on board detained
English Commission, the marine arsenal s
appointed to accompany them; and I have t
capable of adoption, instead of that which I ha
Despatch to the Minister of Justice, in order t
orders to the competent authorities; the which I
mination of the Imperial government to the aforesa

(Signed) AURELIANO

To Senor Joao Carneiro de Campos.

(A true Translation.)

(Signed) JOZE

Fifth Enclosure in No. 202.

The Minister of Justice to the Judge of Orphans, and R

It is proper that as soon as the municipal judge shall have delivered to
tured on board of the patacho "*Paquete de Benguela*," in virtue of the sentenc
mission, which declared them to be free, you cause them to be removed to the
by sea as far as the bridge of the Aterrado, where you will find a detachment of the pe
cipal cavalry, to guard and protect their removal from that point to the said house
where they are to be delivered to the director of the works of the same, until the Gove
decide, and communicate to you their further destination.

In regard to the conveyance by sea, a Despatch has this day been addressed to the
Marine to supply the boats which will be necessary, you having to arrange with the inspec
arsenal, and also to communicate with the commander-in-chief of the permanent municipal g
to the day when the removal of the Africans is to take place, in order that he may station the t
at the spot pointed out, in virtue of the order this day addressed to him; observing that at the h
of correction the Africans are to be victualled by that establishment as long as they may rem
there.

God preserve, &c.,

(Signed) ANTONIO PAULINO LIMPO DE ABREO.

To the Judge of the Orphans.

Rio de Janeiro, October 3, 1840.

I acknowledge the receipt of your Excellency's Despatch, in date of the 2nd instant, in which you order me to remove to the house of correction the Africans taken in the patacho "*Paquete de Benguela*," as soon as they shall be delivered to me by the municipal judge, in order to their being kept there till further directions. In answer I have to inform you that, in conformity with your Excellency's orders, I shall solicit the assistance mentioned by your Excellency in the same Despatch, and I shall take every precaution, in order that the said Africans may arrive at the deposit without straying, or any other inconvenience.

God preserve, &c.,

(Signed) DIOCLESIANO AUGUSTO CESAR DO AMARAL.

To His Excellency Senor Antonio Paulino Limpo de Abreo,
Minister and Secretary of State for the Affairs of Justice.

(A true Translation.)

(Signed) JOZE AGOSTINHO BARBOZA, Jun.,
Interpreter to the Commission.

No. 203.

Her Majesty's Commissioners to Viscount Palmerston.

Rio de Janeiro, October 13, 1840.

My Lord, (*Received January* 2, 1841.)

We have the honour to enclose herewith, for your Lordship's information, a translation of a public notice issued from the Consulate-General of Portugal in this city, relative to the legalization, at that office, of ships' papers in future.

Whether this step has been enjoined from Lisbon, or suggested by the recent disclosures in the case of the "*Paquete de Benguela*," we know not;

…RO.

…e abuse which has hitherto pre-

…ave, &c.
GEORGE JACKSON.
FRED. GRIGG.

…B.,

…re in No. 203.

…—*Consulate of Portugal.*

Consulate-General of Portugal, Rio de Janeiro, 12th September, 1840.

… Vice-Consul, charged with the Consulate-General of Portugal in …rs, masters, consignees, and other persons interested in Portuguese …his Consulate-General for the legalization of their Despatches, that I …ed to legalize the clearances of such of the said ships or vessels which … papers in conformity, as well in purport as in form, with the pro… the 17th December, 1836, and of the 16th January, 1837; and suf…d since their publication for them to provide themselves with those documents, … continue to affix the "*visé*," which up to this time was written on the pas… …ided with them, qualifying them for the return voyage, with a declaration that … be invalidated in order to their presenting the indispensable ship's papers on the … inasmuch as, no attention having been paid to the said condition, there are abundant …uspecting that such vessels have not the requisites of their nationality which the laws …

…however, to reconcile my responsibility for the exact observance of the laws, and of the …, with the consideration due to those interested in ships of unquestionable national charac…yed *bonâ fide* in lawful commerce, I declare that the cessation of the legalizations shall take …nder the following restrictions and delay:—

1st. That all the vessels labouring under the want in question shall only receive henceforward despatches in this Consulate for those ports in the kingdom of Portugal, in which there are intendencies of marine for granting the register and muster-roll, in conformity with the recited decrees.

2nd. That the space of three months shall be allowed to the national vessels, engaged in lawful commerce between the ports of this empire and those of Africa, granting them only clearances for their return voyage with the papers which they carried, but after the three months they can be despatched only in the same way as those in the preceding article,

And in order that the present may come to the knowledge of all those to whom its execution may belong, I caused the present to be published.

(Signed) FRANCISCO JOAO MONIZ,
Vice-Consul.

(A true Translation.)

(Signed) JOZE AGOSTINHO BARBOZA, Jun.,
Interpreter to the Commission.

No. 204.

Her Majesty's Commissioners to Viscount Palmerston.

Rio de Janeiro, October 14, 1840.
(*Received January* 2, 1841.)

My Lord,

We have the honour to acknowledge the receipt of your Lordship's Despatch of the 4th of August, 1840, on the subject of the option open to Her Majesty's cruisers to bring vessels under the Portuguese or any other flag, but belonging to merchants resident in Brazil, either before a British Vice-Admiralty Court or before this Commission.

We thought it our duty to report to your Lordship the construction, however erroneous, put by our colleagues and the public upon the exercise, in one or two instances, of this option; but the condemnation of the "*Paquete de Benguela*," determined upon before the receipt of your Lordship's Despatch, will show that such construction was not acted upon by the Court collectively; and we have only to assure your Lordship that it will continue to act upon

the same principle in any case w
instructions of 1835-6 shall rema

The Right Hon. Viscount Palme
&c. *&c.*

No. 20

Her Majesty's Commissioners to

Rio d
(Re

My Lord,

We have the honour to inform your Lordshi
with 47 new Africans, was made on the 24th Septe
a Brazilian schooner of war, off Ilha Grande, and th
submitted by the Imperial Government on the 1st in
adjudication, is under its consideration, and we hope ver
honour of reporting its result.

In the mean time we enclose, for your Lordship's informa
tions of various articles which have appeared in the public press
step taken by this Government, of submitting the adjudication o
the Mixed British and Brazilian Commission, instead of to the ordi
nals of the country—a determination which your Lordship will perc
given very great offence, and has been made a handle for party purpos

No. 3 appeared in a Government paper, but not in the "*Correio*
No. 5 is also a defence of the course followed. No. 6 is a paper ascri
a leading member of the late Ministry, and the others may be fairly tak
the expression of the general feeling of the country in favour of the importati
of Africans, mixed up with much hostility to those members of the present
Government who are considered as most inimical to such importation.

The allusion in No. 4 to "assaulting estates in Ilha Grande" refers to statements made by the Commander of the Brazilian schooner of war, that depôts of new blacks existed there, with which the local authorities refused to meddle, and the proprietors of which set every attempt to interfere with them at open defiance.

We have, &c.
(Signed) GEORGE JACKSON.
FREDERICK GRIGG.

The Right Hon. Viscount Palmerston, G.C.B.,
&c. *&c.* *&c.*

Enclosure in No. 205.

Translation of Articles from the Public Papers.

No. 1.

Capture of the Launch with Africans.

In to-day's papers an advertisement appeared, in which the tribunal of the Mixed British and Brazilian Commission calls upon all parties concerned in the launch captured, with 47 Africans, on the beach of Angra, to appear before it, the adjudication of the same being submitted to it.

Such an advertisement is well calculated to cause us great surprise, as it is certain that this launch having been met with on the coast of the empire (it appearing even that certain individuals jumped on shore from it and fled), captured by a Brazilian ship, ought to be adjudicated by the ordinary justice of the country, as is expressly and positively laid down in the code of criminal process. How, then, does the tribunal of Mixed Commission come forward to require its adjudication—to take upon itself a decision beyond its proper sphere? How does the Imperial Government consent that the express and clear law of the country should be trampled under foot—wresting from the decision of the competent justice of the peace an affair within his attributes to give it over to an exceptional tribunal, which, created by the Convention of 1826, can only try matters between English and Brazilians? Was it apprehended, perchance, that the justice of the country might not be conformable to the desires of those who (we understand) promise great things to whoever should pillage and take free Africans? Of those who, when the entire population of the country calls for the repeal of the law of the 7th of November, 1831; when the whole nation, the honourable class of landed proprietors, applaud with *vivas* the praiseworthy efforts of those deputies who, like Dr. Pereira da Silva, have combated so

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agriculture of Brazil, completely deceive
effect their *Anglicized* wishes. It is said
ersecute the traffic in Africans; let them
that acts practised in the country be tried

the individuals found in it with the 47
es, viz. the justice of the peace; and let not
ence of Great Britain rules, be constituted
Brazilian ships captured by English, and
esent, in which the crime (if there be any) was
ers, they were territorial, and are considered by
The launch was captured by Brazilian authority,
To *rob*, therefore, its adjudication from the autho-
ptional and purely diplomatic tribunal, is not only to
country, but to let it be understood that they have no
d solely in English justice; and this is not what we are

, who is a doctor in laws and a supreme judge, cannot fail to
es: we think that his Excellency must have been ignorant of
and therefore we address these observations to him, in order that
violation of the law, giving to Cæsar what belongs to Cæsar, and
country.

(Signed) JOZE AGOSTINHO BARBOZA, Jun.
Interpreter to the Commission.

No. 2.

The Launch taken with Forty-seven Africans.

act, that the Mixed Brazilian and English Commission has taken upon itself the adju-
e launch, captured with 47 Africans, which were about to be landed on the coast of Angra
The Government decided that the ordinary justice of the country is not a competent tribunal
gnizance of this business. This decision, however, is the most revolting violation of the laws
ry, and it ought to be brought to light for the information of the public, and it ought to
and energetically censured.

unch was taken in the act of landing, inasmuch as it is even asserted that some individuals
from it. The territory was Brazilian, and the very sea in which the proceeding took place was
orial, and consequently if there were any crime it was committed within the empire; and the
unch having been captured by the Brazilian schooner of war "*Treze de Julho*," * the step was taken
y Brazilian authority. Further, the launch is not of that class of vessels, bearing a flag, referred to in the Treaty of 1826 between Brazil and Great Britain; and, therefore, as soon as the capture took place, its adjudication ought to have been submitted to the ordinary tribunals of the country, in conformity with the legislation of the empire.

Neither could the Mixed Brazilian and English Commission take upon itself the cognizance of the capture, inasmuch as, being an exceptional and exclusively diplomatic tribunal, its attributes do not extend beyond the adjudication of affairs and occurrences between Brazilians and English in what relates to vessels of either of the two nations taken with Africans on board. Such is the positive letter, such must necessarily be the spirit, of the Treaty of 1815, of the Convention and its adjuncts of 1817. And when once it is not the case of a Brazilian vessel (with Africans on board, the capture not being valid without that circumstance) captured by an English ship of war, or in that of an English ship captured by a Brazilian ship of war, the Commission could not take cognizance of the business. It is also to be observed, that even if it be admitted that every ship taken with slaves is to be brought before the Commission (which would be an English interpretation, as commonly happens with all our Treaties with that nation, inasmuch as it is the strongest), even in that case the launch in question could not be submitted to it, since the existing treaties speak of *ships, vessels under colours, on the high seas, going to the coast for Africans*—and a launch, even though it be said that it was conveying them from one point of Brazil to another, does not belong to the class of *ships* referred to in the Treaties above mentioned. And further, as has already been said, the capture was made in the territorial seas of Brazil, and therefore, the crime (if there be any) was committed within the empire itself, and thus the ordinary courts of the country are solely and exclusively those competent, and not *an exceptional and diplomatic tribunal*, created in virtue of a Treaty with a foreign nation, which Treaty can only speak, and does in fact, speak of *ships captured* on the high seas.

How is it, then, seeing what we have set forth—how is it that the present Government orders the adjudication of the launch to be submitted to the Mixed Commission, treading under foot the positive and clear law of the country? How does it dare to wrest from their natural and lawful judges a business which belongs to them, in order to deliver it to a foreign tribunal without either attributes or powers for that purpose? This would be to constitute it a tribunal *ad hoc*, and the Government has no right to do so much. All this proves, however, that the present Government has no *confidence* in the justice of the country, which fact, instead of being in its favour, is, on the contrary, conclusive evidence that the present ministry are afraid of the people and of the laws, neither of which *deserve their confidence*. And this is not upright justice; it is calling foreigners *to govern us and to be judges* in our domestic questions, inasmuch as English influence prevails in the Mixed Commission, and, at present the English are in favour.

It is said (but we do not believe it) that orders of knighthood, decorations, promotion, and honours, have been promised to such Brazilian authorities as proceed against *new blacks*, and fulfil that law of the 7th of November, 1831, so much stigmatized by the nation. It is said (but we do not believe it) that express orders have been given to the commanders of Brazilian vessels to capture all the ships, launches, and other vessels, in which it be suspected that there have been blacks, and which may

* "Primeiro de Abril."

retain their smell. It is generally said th
be taken in the streets of the city, in contr
to their owners, be examined whether or
November, 1831. If all this be true, we
prospect presents itself: persecutions on e
upon us!

(A free translation.)

(Signed)

(Translation.) No.

Although we be convinced that the writer of
do Commercio' of the 5th instant, in respect to the
Brazilian ship-of-war, has a perfect knowledge of the Trea
the Government of Brazil is bound, and which it is strictly
appear to us to be just, that, in order to attain a certain obje
those Brazilians who, perhaps, may not be aware of this sup
international Treaties); nor that, in a spirit of opposition to
censured; it being its duty to fulfil the stipulations by which it
with the Treaties to the aforesaid correspondence, where we read th

"The Mixed Commission can adjudicate only Brazilian vessels capt
and Brazilian transactions, and not cases such as the present, in wh
Brazilian authority, namely, the commander of the schooner-of-war" &c.

This correspondent is surely not ignorant of the Treaty of 22nd of Janua
between the crowns of Portugal and England, nor of the Convention additi
signed in London between the same, on the 28th of July, 1817, nor of the
that Convention intended for the Portuguese and British ships-of-war employed to
traffic in slaves; nor, finally, of the Treaty of the 23rd of November, 1826, which e
the said traffic, and adopted as binding on Brazil all the articles, instructions, and
those other Conventions as if they were here repeated word for word (expressed in the th

Now the first Article of the convention of 28th of July, 1817, declares—"that the obj
Convention is, on the part of both Governments, mutually to prevent their respective subje
carrying on an illicit Slave Trade," for which purpose the two high contracting parties will
adopt as necessary measures, the regulations, forms, and instructions annexed to the said Co
and forming a part thereof.

The first Article of the instructions intended for the ships-of-war declares—"Every Portug
British ship-of-war shall have a right to visit the merchant ships of either of the two powers, acti
engaged or suspected to be engaged in the Slave Trade; and should any slaves be found on boa
&c. and having detained them, the commander is to bring them as soon as possible for judgment
before that of the two Mixed Commissions appointed by the eighth Article of the additional Conven-
tion of this date, which shall be the nearest or which the commander of the capturing ship shall, upon
his own responsibility, think he can soonest reach," &c. It is therefore evident, according to these
stipulations (which were adopted by Brazil, by the said Treaty or Convention of 23rd of November,
1826) that a Brazilian ship-of-war apprehending another (vessel) with Africans, must bring her for
judgment before the Mixed Commission in this capital. The question in the present case and with
the writer of the correspondence, appears to be whether the launch is a vessel, and whether the
Treaties, speaking of vessels, excepted boats.

We leave this intricate point of law to the correspondent. We, however, are of opinion that the
Government under such engagements fulfilled its duties by sending the business to the Commission,
to whom it belongs, to say the least, to decide whether it be competent to take cognizance thereof.
There in that Commission there are Brazilian Members with full knowledge of the Treaties, and as
patriotic and zealous for the dignity of the country as the correspondent would appear to be. We do
not think that in view of such stipulations he can maintain in good faith that, because the launch was
taken within a port or bay of the empire, even though by a Brazilian ship-of-war, it ought not to be
subject to the adjudication of the Commission. In good faith it appears to us that, whatever argu-
ments be employed to arrive at such a conclusion, they will be found contrary both to the letter and the
spirit of the Treaties, however they may receive the support and applause of many. To the Govern-
ment, however, it belongs to observe religiously the Treaties in order to have the right and the power
to require, on high ground, their exact observance as well as to exempt the empire from concessions
not compatible with its dignity and true interests. And certainly to advise the contrary or to make
the people believe that the Government yields to foreign influence when it does no more than fulfil
solemn engagements, however onerous, is either not to attend to the true interests and the dignity of
the country or to hold cheap the principles of justice and honesty.

JOZE AGOSTINHO BARBOZA, Jun.,
Interpreter to the Commission.

(A free Translation.)

(Translation.) No. 4.

The Launch taken with 47 Africans.

The 'Despertador' has come forward in defence of the present Government, by whose orders the capture was made of the launch with the 47 Africans. We had demonstrated most evidently the incompetence of the Mixed Brazilian and English Commission in such a business. The 'Despertador' was at great pains to find reasons on which it might argue in favour of the decision of the Government, which sent the launch to the Commission. We are obliged to discuss this point more fully.

The Treaty between Brazil and Great Britain concluded on the 23rd of November, 1826, in regard to the cessation of the traffic in slaves, brings into operation between the two crowns the ancient

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vention of the 28th of July, 1817, which
les, instructions, and regulations therein
be regulated by that Treaty of 1815 and
vention declares—"Every Portuguese or
f either power; and if on board of them
efore the nearest Mixed Commission" &c.
h can be applied only to *merchant-vessels*,
ves between Brazil and the coast.
s? Could it be considered as a merchant-
ould be to confuse every thing and confound all
m one point to another, and which, navigating in
d, such crime is considered, in the language of the
. The launch carries no flag, consequently has no
sion of one individual to that of another, who may be
ubject to the formalities which take place in regard to
er and flag. A launch, therefore, even with Africans on
aken, inasmuch as the letter of the Treaty and its genuine

Treaty of 1815 and this Convention of 1817, we find, in seve-
capture is presupposed to be on the high sea, and with reason,
of any country, and within cannon shot, is considered, by writers
herefore respected by foreigners, inasmuch as it forms, figuratively,
e have better demonstrated the incompetency of the Mixed Brazilian
djudicate the launch in question, since according to the Treaties, for
e same to be submitted, conformably thereto, to the decision of the Mixed
—first, that it be of a merchant vessel, second, that it take place on the
is neither of these requisites in the case of the launch, the Mixed Bra-
mission has no right to intervene in its adjudication, in conformity with the
of November, 1826, between Brazil and Great Britain. And as it was the present
ch sent the launch to the Commission, it necessarily follows that the present Go-
ed the law of the country, trod under foot our legislation (perhaps only to please those
English); that, not having any confidence in the justice of the country, they endeavour,
ble means, to minister to the caprices and the designs of Great Britain, whose wish is to
riculture in Brazil, and to prevent the productions of this soil, so rich and so favoured,
ing with the produce of her colonies in the markets of Europe.

n, however, unless to the Mixed Commission, inquires the 'Despertador,' ought the
have been sent? It is evident that the illustrious author of the article does not know,
nds not to know, our codes. If the conveying of the 47 Africans be a crime, it is for the or-
y justices of the country to try it, and not the exceptional and diplomatic Mixed Commission,
which English influence predominates. Every crime committed in Brazil is submitted to a justice
the peace to frame the indictment. As soon as the launch was taken, it ought to have been
brought before the competent justice of the peace, in order to commence the process against the
accused. It is thus that this business ought to have proceeded, if our Government had not chosen to
bend to the wishes of the English, and had endeavoured to follow the law, and only the law, of the
country. This, however, was not the understanding of the Government. It had no confidence either
in the justice of the peace or in the jury, either in the authorities or in the people; wherefore it openly
violated the law, wresting a business, which evidently belonged to them, from its natural and legitimate
judges. And for what end? Without doubt, to secure the decision.

In the Mixed Commission the English Minister has influence, the English Government has influence;
in it there are two English Commissioners; let the launch be sent to it, however much the law be
thereby violated. This was the thought of the present Government, ruled, as it appears, by hatred to
the slave-dealers and by regard for the English. If such a precedent pass—if crimes, committed in
Brazil, are to be submitted to the Mixed Commission—it is better to send to England for Englishmen,
on purpose to be our judges; the present Government having no confidence in Brazilian judges, it is
better to engage magistrates and governments, expressly arranged in England, to try all our questions.

Observe another circumstance. We said, at the commencement of this article, that the launch
ought not to have been taken, and we maintain this idea. The commander of the Brazilian schooner-
of-war, who captured the launch, under the generic authority of the Treaties, could not do it, be-
cause the launch did not belong to the class of merchant vessels. Never has a Brazilian or Eng-
lish ship-of-war committed such an act against launches, because a commander, committing such an
arbitrary act, might be certain that it would cost him dear. For what reason, therefore, did the com-
mander of the "*Treze de Julho*"* capture the launch with 47 Africans? Latet anguis in herbâ.
Report says that there were promises of promotion, decorations, orders, and honours, to those who
should seize new Africans; that these promises, added to that of having 10 of the new blacks given
to them, had great influence. The Lord defend us from such, and so many, alarming reports! It is
also said that this commander, inspired by the desire of serving the country and himself, was even
about to assault estates in Ilha Grande, relying upon deserving well of his country, or rather of the
present Government, by *so meritorious an act*. In what times, and where, do we live?

Upon the whole, we hold that the decision of the present Government which sent the launch, cap-
tured with 47 Africans, to the Mixed Brazilian and English Commission, was contrary to the clear
and express law of the country; and this proceeding is still more astonishing on the part of a Govern-
ment, of which two such able lawyers as S$^{ar.}$ Limpo and S$^{or.}$ Aureliano are members. True it
is, that it is said that the soul, the intellect, the chief, the type of the present ministry is S$^{or.}$ Anto-
nio Carlos Ribeiro de Andrada Machado e Silva, monarchical by conviction, republican in heart, enemy
of the slave-dealers, partisan of the English. He is the star shining in its zenith, and all the other
ministers are nothing more than his most humble satellites. If any proof be wanted it is here. We
advance nothing without proof; such is our custom.

* "Primeiro de Abril."

RI

S^or. Limpo de Abreu, when Minister
such as the present, or measures such as
Justices of the Peace received circulars fr
were taken, either fugitive, or as being in c
should not be delivered to his master, unti
and interrogated, and, if necessary, by th
these affairs—again English dominion!!!) n
imported after the law of the 7th November, 1
thus in 1836? Certainly not. S^or. Limpo was
now he is said to be subordinate to S^or. A. Carlos
appear to proceed. But if it be true, as this circu
reap from it? How can it be proved that a given b
law of the 7th November, 1831? By his language?
who have been 20 or 30 years in the country. By the
if there be the smell of a new negro, we do not know th
persons in good faith have purchased new for old? And
hands? And where is the responsibility of the last possesso

The Government has also ordered Brazilian ships of wa
empire, and to capture the smugglers. The planters are muc
honourable and industrious citizens, "Jardins," are prisoners
assassins and robbers, enduring the hard laws of a Mixed Commi
subject to a decision perhaps purposely retarded—kept inaccessible
and, though having laws and judges in Brazil, who ought to decide w
they were delivered over to British influence, which does not allow the
with their friends, with advocates, or patrons, to defend them!!!

These are embarrassments which the present Government causes by its

(A free Translation.) (Signed) JOZE AGOSTIN
Interpreter to the

No. 5.

The author of the correspondence published in the "*Jornal de Commercio*," of the 5
asks the following questions relative to the canoe which was taken with 47 Afr cans, by
vessel of war:—How is it that the Mixed Commission Court pretends to claim the adjud
this case) to take upon itself a decision which is out of its proper sphere?—How can the
Government consent that the clear and express law of the country should be trampled upon, w
from the decision of the proper justice of peace an affair which belongs to him, to deliver it over
exceptional tribunal, which, created by the Convention of 1826, can only adjudicate matters betwe
English and Brazilians?—We will answer, with the existing treaties, which form a part, and a mos
important part, of the legislation of the country: those most conversant in such questions consider
treaties as the supreme laws of nations. The Convention of November 23, 1826, between Brazil and
Great Britain, declares in the third article as follows:—

"The high contracting parties further agree that all the matters and things contained in those treaties, together with the instructions and regulations, and forms of instruments annexed to the treaty of July 28, 1817, shall be applied, *mutatis mutandis*, to the said high contracting parties and their subjects, as effectually as if they were recited word for word herein; confirming and approving hereby all matters and things done by their respective subjects under the said treaties, and in execution thereof."

These diplomatic acts, to which the above article refers, are the Treaty of January 22, 1815, and the Convention of July 28, 1817, and the various explanatory articles that have been added thereto. Now the instructions given to the vessels of war of the two nations, annexed to the forementioned Convention, declare in the first article,—

"Every British or Portuguese ship of war shall, in conformity with the fifth article of the additional Convention of this date, have a right to visit the merchant-ships of either of the two powers actually engaged, or suspected to be engaged in the Slave Trade, and should any slaves be found on board, according to the tenor of the sixth article of the aforesaid additional Convention, and as to what regards the Portuguese vessels, should there be ground to suspect that the said slaves have been embarked on a part of the coast of Africa, where the traffic in slaves can no longer be legally carried on, in consequence of the stipulations in force between the two high powers: in these cases alone, the commander of the said ship of war may detain them, and, having detained them, he is to bring them as soon as possible for judgment before that of the two Mixed Commissions appointed by the eighth article of the additional Convention of this date, which shall be the nearest, or which the commander of the capturing ship shall, upon his own responsibility, think he can soonest reach from the spot where the slave ship shall have been detained."

And in order at once to do away with any argument which it may be wished to draw from the apparent contradiction which is pretended to be discovered in the second article of the same instructions, we declare that English ships of war are certainly prohibited from detaining a vessel employed in the traffic of slaves within a port or bay of the empire, or within cannon-shot of the batteries on shore; but this is not the case with our own vessels of war which may be employed in preventing any contraband, as happens in the present instance.

We ask, in our turn, is it, or is it not proved, on a view of these documents, and by the law of November 7, 1831 (not repealed), that the Imperial Government is bound to repress the illicit traffic in slaves?—The launch being captured by a ship of the empire, what, on a view of the instructions, was the first step to be taken but to submit the affair to the Mixed Commission, which is the competent tribunal? and if perchance, the same as has happened on other occasions, it shall decide that it is incompetent, will not its cognizance revert to the territorial judicial authorities?—and does not the correspondent know that in that tribunal there are Brazilian members, to whom should be conceded at least an equal share of patriotism with that which he makes a show of in his writing? It therefore

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for Foreign Affairs, whose principal duty
in order to entitle himself to claim boldly,
e by the other signing powers, relieving
cted legally and consistently, ordering the
detained as it was by a Brazilian man-of-
o be submitted to the Mixed Brazilian and
ent tribunal. What is said respecting the
as a vessel which was carrying slaves; it was
nended in the Convention above cited: it ought
ase that Commission should deem itself incom-
of the peace, and will follow the course marked by
al to that of the English in this tribunal; and we
luence in a case where there is equality of votes. It
overnment did no more than fulfil the duties by which
nts to refute, it is useless to extend this article further.

(Signed) JOZE AGOSTINHO BARBOZA, Jun.,
Interpreter to the Commission.

No. 6.

d speaking of the outrage committed by the government against the
ring to a foreign jurisdiction the cognizance of a fact which belonged
ities, that we might not be told that, for want of arms against the go-
to, we courted popular prejudices, and excited them against the ministry.
, assumed such importance that we should be wanting in our duty as public
ot engage the public attention with it. The fact is most simple:—a Brazilian ship
in the territorial waters of Brazil, a launch with some Africans, captures it, and
de Janeiro. The ministry gives up the question of this prize to the decision of the
ission?

s so simple that no further observation is necessary to show the indignity practised against
al decorum. The ministry in vain stick to the letter of the Treaty which prohibited the
icans, to justify their proceeding: the Treaty orders that all captured vessels suspected of
ed in the traffic of the coast of Africa should be adjudicated by the Mixed Commissions;
y one in his senses suppose that a launch, whose voyages are always coastwise, always
e territorial waters, was employed in this traffic? Certainly not; the Treaty did not bind
azilian government in this case, and if they, without attending to the insult which they were
ng on our authorities—to the neglect in which they held the property and the lives of our citi-
ns, and gave them up to the discretion of foreigners, they were assuredly only actuated by the Pha-
isaical zeal which animates them against our agriculture, and by the desire of meriting the good
graces of foreign governments, whose recognition they suppose to be necessary to them to legalize the
events of July. Of what consequence is it that English *humanity* should vex, torment, and perhaps
sacrifice some Brazilians, very possibly innocent of the contraband, if the ministry thereby succeed in
propitiating our friends and allies?

These zealous defenders of national honour are they who deliver to a special and foreign jurisdic-
tion Brazilians accused of a crime cognizable by our laws, and committed in our territories. Oh,
shame! Alas, for agriculture! the only source of our riches, if these propitiators of the impartial and
humane justice of the British government were to remain much longer in power.

(A free Translation.)

(Signed) JOZE AGOSTINHO BARBOZA, Jun.,
Interpreter to the Commission.

No. 206.

Her Majesty's Commissioners to Viscount Palmerston.

Rio de Janeiro, October, 17, 1840.
(*Received January* 2, 1841.)

My Lord,

With reference to our Despatch of the 5th instant, announcing the restitution of the Brazilian galliot "*Alexandre*," we now beg leave to inform your Lordship, that a claim for indemnities has been presented to the Court by the master of that vessel, and is now under consideration.

We have, &c.
(Signed) GEORGE JACKSON.
FRED. GRIGG.

The Right Hon. Viscount Palmerston, G.C.B.,
&c. &c. &c.

Viscount Palmerston

GENTLEMEN,

I HAVE referred to Her
upon the subject of the capture o
"Fawn," acting as tender to Her Maj
I have now to acquaint you that t
case, that by the fifth Article of the Con
Portugal, renewed, and conformed, and
vention of the 23rd of November, 1826, the
suspected of Slave Trade was restricted
contracting parties as shall be furnished w
purpose; and that according to the seventh A
vention, these instructions must be signed by the
party to which the cruiser belongs. But in t
admitted fact, that the Lords of the Admiralty
instructions for the "Fawn," and consequently that
the authority requisite for detaining the "*Pompeio.*"

Upon the question whether the Court of Mixed Comm
admitting the claim set up by the owners of the "*Pompei*
on account of her detention, the Queen's Advocate is o
Mixed Court ought to have paid attention to the circumstances
the British Commissary Judge in his vote against that claim; bu
Court decided that compensation was due to the owners of the "*Po*
as no appeal is allowed from decisions of the Court, it would be in va
contend against the decree which has been made.

The Queen's Advocate proceeds to observe that he does not see
unjust or improper in the course of the proceedings proposed by the
Commissioners for valuing the amount of compensation to be granted i
similar to that of the "*Pompeio,*" but he thinks that it would be more desi
for the sake of uniformity that the precise course stated to be used at Sie
Leone and elsewhere, should be pursued in cases coming before the Court a
Rio de Janeiro.

Last y, the Queen's Advocate states, that the sum awarded by the valuers appears to him to be exorbitant, and to have been evidently circulated upon a wrong principle, and that the proper principle "to have gone by on this point was that laid down by the Brazilian Commissioners, viz., the amount of loss really sustained;" but the mode pointed out by the British Commissary Judge ought to have been adopted for ascertaining what that amount really was.

I have, &c.
(Signed) PALMERSTON.

Her Majesty's Commissioners,
&c. &c. &c.

No. 208.

Her Majesty's Commissioners to Viscount Palmerston.

Rio de Janeiro, October 27, 1840.
(*Received January* 25, 1841.)

MY LORD,

WE have had the honour to receive your Lordship's Despatch of the 6th of August, 1840, acknowledging the receipt of our Despatch of the 20th of May preceding, and referring us for an answer to the point mentioned in that Despatch, relative to the execution of the sentences of this Mixed Commission, to the instruction given in your Lordship's Despatch of the 20th of August, 1839, of which, lest that instruction should not have reached us, your Lordship is good enough to transmit to us a copy.

Of this latter Despatch we had the honour to acknowledge the receipt, in our Despatch of the 4th of November last, by the "Seagull" and "Lyra" packets; and we have only now respectfully to submit that the "objections to the present system," commented upon by the Minister of Justice in his report to the

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e sale of vessels condemned by
ission, as to the inconveniences
and other duties connected with
r incapable, from having various
ue celerity and effect, instead of
o persons acting under its authority,
egulations."

parts of the subject, such as the mode
now requires a copy of the entire pro-
ture of the Brazilian Minister of Justice
hus necessarily causing increased expense
ceeding in cases where indemnities may be
superintendence of the Africans, from the
port to that of their delivery to the Brazilian
ose several points that we stated ourselves to be
sion.

We have, &c.,
(Signed) GEORGE JACKSON.
FRED. GRIGG.

unt Palmerston, G.C.B.,
&c. &c.

nber 7. What is now passing with respect to the "*Paquete de*
so much in point, that we beg to draw your Lordship's attention

tence condemning this vessel was dated the 28th of September, yet
within the last few days that the sale has been advertised, and the
fixed for such sale is the 23rd of this month—so that even if com-
en, which can by no means be anticipated with certainty—a delay of
wo months between the sentence and the sale will have intervened, and,
ly, as much more before the proceeds are paid into Court.

G. J.
F. G.

(Extract.) No. 209.

Her Majesty's Judge to Viscount Palmerston.

Rio de Janeiro, October 28, 1840.
(*Received January* 25, 1841.)

CONSIDERING the nature of your Lordship's Despatch of the 24th of August, received by the last packet, on the subject of a memorial from the General Anti-Slavery Convention, my colleague and myself have judged it best that we should each separately address your Lordship in reply thereto.

I eagerly seize the opportunity now afforded me of giving a public and official denial, *as far as I am personally concerned*, to the statement therein set forth, viz. "that British functionaries in the Brazils hold slaves, openly purchase them, employ them as domestic slaves, and sell or dispose of them as necessity or caprice may dictate."

A memorial sanctioned by so many and such conspicuous names, and whose principles meet—if I may be allowed to speak of so humble an individual as myself—with my warmest sympathy and concurrence, presented, moreover, to your Lordship with a view to a public and definite object, renders it not only allowable but incumbent upon me to say, that so far from directly holding, or being, or ever having been, interested in slave property, I have not a single slave in my service.

In saying this I merely state a fact without the slightest intention of claiming any credit for it, for no sooner did I become obnoxious in this country from the zealous discharge of my duties as British Commissary Judge, than one of the many modes of annoyance practised against me was to deprive me of all household assistance; and so successful did this mode prove that, as it is next to impossible to meet with white servants in Brazil, my family and myself have more than once been left for days together without anybody in the house

but ourselves—a fact which drove me to the necessity of adopting the very troublesome, and, on every account, disagreeable expedient of hiring the services of emancipated Africans, which your Lordship has since desired me to abstain from.

I trust that both your Lordship and my country will consider the above as a complete answer to the memorial in question, so far as it had any reference or application to me; but I owe it no less to your Lordship than to myself to declare that I have paid regularly in advance to the Brazilian Government the highest rate of wages assigned for such services by the Judge of Orphans himself (an officer personally unknown to me, but to whom the care of the Liberated Africans is specially confided); that those hired by me have, besides, received each a daily allowance independent of their board and clothing; and that, with the additional expense of medical treatment and other items, their cost has at least equalled that of any other black servant.

No. 210.

Her Majesty's Commissioners to Viscount Palmerston.

Rio de Janeiro, October 30, 1840.
(*Received January* 25, 1841.)

My Lord,

We are honoured with the receipt of your Lordship's Despatch of the 2nd of September, 1840, acquainting us that Her Majesty's Government approve of the steps taken by us for the purpose of circulating the two notes addressed by Lord Howard de Walden to the Portuguese Government on Slave Trade, and we beg leave to express to your Lordship our acknowledgments for this assurance.

We have, &c.
(Signed) GEORGE JACKSON.
FRED. GRIGG.

The Right Hon. Viscount Palmerston, G.C.B.,
&c. &c. &c.

No. 211.

Her Majesty's Commissioners to Viscount Palmerston.

Rio de Janeiro, October 31, 1840.
(*Received January* 25, 1841.)

My Lord,

Referring your Lordship to our Despatch of the 17th instant, we have the honour to transmit herewith the several documents in original, where it may possibly be desirable that your Lordship should be possessed of them, or in translation, relative, first, to the seizure therein reported, and next, to the acts of this Commission since the case was submitted by the Imperial Government to its adjudication.

(A.) The Despatch, with its Enclosure, of the commander of the Brazilian schooner-of-war "*Primeiro de Abril*," Jozé Maria Nogueira, to the Minister of Marine, giving an account of the capture on the 24th of September, 1840, by one of his boats, of a canoe, which was endeavouring to cross from Ilha Grande to the main land, with 2 white men and 47 Africans, all newly imported with the exception of two, who appeared to be "Ladinos."

(B.) Containing, 1st, a Despatch from the Minister of Marine to that of Justice, forwarding to him the above papers, "as the cognizance of them belongs to his department." 2nd, a Despatch from the Minister of Justice to the Minister for Foreign Affairs, sending to his Excellency that of the Minister of Marine, with its aforesaid Enclosures, "because the cognizance and adjudication of this object appertaining to the Mixed Commission, in regard to the traffic in slaves, in conformity with the respective Conventions between Brazil and Great Britain, it is for your Excellency to issue orders on that subject;" and 3rd, a Despatch from the Minister for Foreign Affairs to the Brazilian Commissary Judge, transmitting the whole to him, "in order that you lay this business before the Mixed Brazilian and British Commission, to which its cognizance and competent adjudication belong."

With these documents, presented by the Brazilian Commissary Judge on the 1st instant, this case, my Lord, was opened, the usual monition was immediately issued, and, on the 3rd, the commander of the "*Primeiro de Abril*" appeared, and ratified his previous statement made to the Minister of Marine.

On the 6th, the Imperial Government having, to avoid any danger of a disturbance or rescue, appropriated a room in the Marine Arsenal for the purpose, the two white men, brothers, of the name of Jardim, who proved to be proprietors of large coffee-estates at Rezende, in this province, underwent a long and searching examination, in consequence of which the officer of the Court was directed to proceed on board the Brazilian hulk where the Africans were kept, and report minutely every circumstance relating to them, whether they were "Bozal," what their age, sex, &c.

On the receipt of this report, showing them to be all new blacks, with but two exceptions, the Brazilian Commissary Judge first let it appear what course he intended to pursue, declaring that the capture was made, not only on Brazilian territory, but on Brazilian *ground*, and that consequently this Commission could not take cognizance of it; adding that, the blacks being ascertained to be newly imported, it was of no consequence, as their seizure could not fail to be adjudged to be legal by the local authorities.

Without, in the first instance, entering into this question, the British Commissary Judge stated his intention of examining the second lieutenant, Carlos Augusto Nascentes de Azambuja, the officer in command of the boat by which the capture was actually effected, and who had been hitherto prevented from attending the Court by indisposition.

On the 10th and 13th the depositions of this officer, of a Mulatto servant to the brothers Jardim, and of the two "Ladino" blacks, were taken, and, on the following day, the 14th, the Brazilian Commissary Judge re-stated his view of this case, and gave it as his opinion that its trial belonged to the authorities of the country, and not to this Commission.

In the discussion which ensued it appeared to be his aim to mix up the two questions of Brazilian territory generally, and of Brazilian land or ground, in such a way as to decide this case rather on the latter principle than on the former; intimating even that he did not wish, by raising the question of territory, to be precluded from following in any future case, where *that* only would be to be considered, the many precedents which the archives of this Commission afford, of taking cognizance of captures made in the territorial waters of Brazil.

This distinction Her Majesty's Commissary Judge deemed to be most important; and he accordingly begged his colleague not to confound the two questions in the vote he was about to give, but to confine himself to the simple inquiry—as he the British Commissioner would do in the first instance—whether the capture was made on the land or in the waters of Brazil.

On the 15th instant the two Commissary Judges gave their respective votes, and the Brazilian Commissioner of Arbitration being summoned to attend the following day, lots were drawn, and the lot falling on Her Majesty's Commissioner of Arbitration, that gentleman delivered his vote on the 20th, deciding that the capture was not made on land.

These three votes we have the honour to enclose herewith. (C.)

The question now returned of the competency of this Commission to take cognizance of this capture, in view of the undisputed and undeniable fact that it was made within Brazilian territory.

The Brazilian Commissary Judge maintained that this inquiry was unnecessary, or rather that it merged in the fact, which he still steadily insisted on, that the capture was effected on land, and that consequently this Commission was incompetent to try it. His colleague reminded him that that point, viz., its being made on the water or on land, had already been decided against him, and urged him to reconsider the subject at issue, with a view to the question of territory alone; submitting to him that, even should he refuse to abide by the many precedents bearing his own signature above alluded to, and be now inclined to take his stand on the strict and literal reading of the second Article of the Instructions, yet that his own Government had virtually, if not in terms, waived that prohibition by sending the case to this Court, and that, too, after the propriety of doing so had evidently been discussed by the respective Ministers of State.

Senhor João Carneiro de Campos replied, that this only proved the good faith of his Government, and their respect for the Slave Trade engagements by which this country was bound towards Great Britain; that the point had not been raised in either of the cases cited, and that he, as Commissioner, could only look to the Convention and its annexes.

Her Majesty's Commissary Judge having in vain attempted to shake this determination, gave in his final vote on the 23rd of October for the condemnation of the canoe, and the Brazilian Commissary Judge on the same day presented his, ratifying and confirming his preceding opinion that, for the reasons therein set forth more largely, the trial of this capture must in every case appertain to the authorities of the country, and that the whole proceedings should be remanded to the Imperial Government for the purpose of their being submitted to those authorities.

On the 26th of October Her Majesty's Commissioner of Arbitration, to whom belonged the decision of this second point of difference according to the established rule, that the arbitrator once chosen in a particular case is the proper person to whom all subsequent matters of dispute in the same case ought to be referred, presented his vote, viz., that the chase and the capture were within the territorial seas of Brazil recognised by the Law of Nations, and therefore that the case should be returned to the Imperial Government.

These three votes are annexed herewith. (D.)

On the 29th the final judgment of the Court was drawn up in conformity with the opinions of the Brazilian Commissary Judge and of Her Majesty's Commissioner of Arbitration, and signed by those gentlemen; the signature of Her Majesty's Commissary Judge, as overruled with regard to the competency of the Commission, being affixed to the same, as required by the forms of this country.

This document we have the honour to transmit herewith (E.), as also our report of the case. (F.)

A further ground, on which it appeared to Her Majesty's Commissary Judge that this Commission ought to have taken cognizance of this capture, is the fourth Article of the Alvará of the 26th of January, 1818, which gives the option of either party, captor or captured, to bring his case for trial before the Mixed Commission, "whose decision shall be carried into effect;" but the main point which he was desirous of establishing, being that the prohibition mentioned in the second Article of the Instructions does not apply to cases where the capturing vessel belongs to the country in whose territory the capture is made, he thought it unadvisable to introduce any other argument into his vote; and therefore contented himself with submitting this further view of the question at issue verbally to the arbitrator, who remained of the opinion expressed in his vote above mentioned.

We have, &c.
(Signed) GEORGE JACKSON.
FRED. GRIGG.

The Right Hon. Viscount Palmerston, G.C.B.,
&c. &c. &c.

First Enclosure in No. 211.

(A.) *Lieutenant Nogueira to the Minister of Marine.*

On board of the schooner "Primeiro de Abril," at anchor, Rio de Janeiro, September 27, 1840.

I HAVE the honour to send to your Excellency the minute of capture, by this brig, of a canoe, with 47 new Africans and other persons as appears by the said minute, in conformity with my instructions, reserving myself to give to your Excellency in person a detailed account of what I was enabled to obtain with reference to my instructions.

God preserve your Excellency.
(Signed) JOZE MARIA NOGUEIRA,
First Lieutenant and Commander.

The Most Excellent Sen. Antonio Francisco de Paula Hollanda Cavalcanti e Albuquerque,
&c. &c. &c.

A true translation.
JOZE AGOSTINHO BARBOZA, Jun.
Interpreter to the Commission.

Second Enclosure in No. 211.

(Translation.) *Captor's Declaration.*

On the twenty-fourth day of September, of the year of our Lord one thousand eight hundred and forty, the schooner "*Primeiro de Abril*" being at anchor off the Bay of Estrella, in Ilha Grande, I saw from on board the same schooner a canoe which I supposed to be laden with new Africans; and, despatching the Second Lieutenant, Carlos Augusto Nascentes de Azambuja, in the first boat, in pursuit, and afterwards the second boat, with the second in command, Second Lieutenant João Gualberto de Andrade Maia, I also got under weigh myself with the schooner, in order to protect the boats; and at half-past ten o'clock the boats came alongside, bringing a large canoe, with forty-seven new Africans, as also two white men, by name, David Gomes Jardim, resident at Rezende, who calls himself a planter, married, and forty-four years of age, and Joaquim Gomes Jardim, who also says he is a planter, married, thirty years of age, and brother to the preceding; and an old ("ladino") mulatto, by name Bertulino, who they say is their slave.

I was informed by the Second Lieutenant, Azambuja, that during the chase of the aforesaid canoe she employed every means to escape, paying no regard to the constant fire, with ball, which the same Second Lieutenant ordered to be kept up, but endeavouring, both by sailing and six oars, to reach the shore, which in fact she did, near to some rocks, at great risk, and there the rowers and the helmsman escaped by throwing themselves into the sea, as well as some Africans, of whom the Second Lieutenant was able to save five, it being impossible for him to save more on account of the darkness of the night. And, according to the instructions which I hold from the Supreme Government, I make the seizure which I have in fact made of the said canoe; built of jequetiba-wood, forty feet long from stem to stern, four feet five inches beam, and depth of hold two feet two inches, with six rowlocks for rowing, completely floored; a small anchor, weighing sixty-two pounds, four pistols, two of which were loaded with powder and ball (no further ammunition was found), two large pointed knives, silver-mounted; and forty-seven new Africans: all the above individuals and objects remaining in my possession on board, to answer before the same government; in proof of which I ordered this act of seizure of the canoe and of the Africans to be drawn up, which the officers of the sloop under my command, and the clerk of the same, Francisco Jozé Manoel Verane, signed with me, on board the schooner "*Primeiro de Abril*," at anchor off the Bay of Estrella, in Ilha Grande, the 24th of September, 1840.

(Signed)
FRANC°. ANT°. GOMES.
JACINTO ANTONIO LEAL, *Master.*
ELIUTERIO DOS SANTOS PAIVA, *Steward.*
JOZE JOAQUIM DE SOUZA, *Carpenter.*
CARLOS AUGUSTO NASCENTES D'AZAMBUJA, *Second Lieutenant.*
JOAO GUALBERTO DE ANDRADE MAIA, *Second Lieutenant, Second in Command.*
JOZE MARIA NOGUEIRA, *First Lieutenant and Commander.*

(A true translation.)
JOZE AGOSTINHO BARBOZA, Jun.
Interpreter to the Commission.

Third Enclosure in No. 211.

(Translation.) (B.) *The Minister of Marine to the Minister of Justice.*

Most Illustrious and Excellent Sir, *Palace, September* 29, 1840.

I have the honour to enclose to your Excellency the annexed Despatch from Jozé Maria Nogueira, First Lieutenant of the Imperial Navy, commander of the schooner "*Primeiro de Abril*," together with the Minute of the taking of a canoe, having on board 47 new Africans and other individuals, as appears by the same Minute; the cognizance of which business belonging to your department, and as the necessity of clearing the said schooner without delay, in order that she may again proceed on service, obliged me to order the people and the articles on board to be landed at the marine arsenal, and that the canoe itself should be placed in deposit, I have to acquaint your Excellency of the same for your information, and to the end that you may give such orders as you may think expedient.

God preserve, &c.
(Signed) ANTONIO FRANCISCO DE PAULA E HOLLANDA CAVALCANTI DE ALBUQUERQUE.

Sen. Antonio Paulino Limpo de Abreu.

A true copy.
(Signed) BENTO DA SILVA LISBOA.

A true translation.
JOZE AGOSTINHO BARBOZA, Jun.,
Interpreter to the Commission.

Fourth Enclosure in No. 211.

(Translation.) *The Minister of Justice to the Minister for Foreign Affairs.*

Most Illustrious and Excellent Sir, *Palace, September* 30, 1840.

I send to your Excellency, with the enclosed Despatch, which was addressed to me by the Minister of Marine, the Despatch of the First Lieutenant of the Imperial Navy, Jozé Maria Nogueira, commander of the schooner-of-war "*Primeiro de Abril*," and the Minute of the capture of a canoe, with 47 new Africans on board, because the cognizance and adjudication of this object appertaining

to the Mixed Commission in regard to the traffic in slaves, in conformity with the respective conventions between Brazil and Great Britain, it is for your Excellency to issue orders on that subject.

God preserve, &c.

(Signed) ANTONIO PAULINO LIMPO DE ABREU.

Sen. Aureliano de Souza e Oliveira Coutinho.

A true copy.

(Signed) BENTO DA SILVA LISBOA.

A true translation.

JOZE AGOSTINHO BARBOZA, Jun.,
Interpreter to the Commission.

Fifth Enclosure in No. 211.

(Translation.) *The Minister for Foreign Affairs to the Brazilian Judge.*

SIR, *Palace, October* 1, 1840.

I SEND to you herewith a copy of a communication from the Minister of Justice, with the annexed documents relative to the apprehension, by Jozé Maria Nogueira, First Lieutenant of the Imperial Navy, commanding the schooner-of-war "*Primeiro de Abril*," of a canoe, with 47 new blacks on board, in order that you may lay this business before the Mixed Brazilian and British Commission, to which its cognizance and competent adjudication belong.

God preserve, &c.

(Signed) AURELIANO DE SOUZA E OLIVEIRA COUTINHO.

Sen. João Carneiro de Campos.

A true translation.

JOZE AGOSTINHO BARBOZA, Jun.,
Interpreter to the Commission.

Sixth Enclosure in No. 211.

(Translation.) (C.) *Vote of the Brazilian Commissary-Judge on the* 15*th October*, 1840.

THE Brazilian Commissary-Judge, having examined the present papers transmitted to this Commission in a Despatch sent from the Secretary of State for Foreign Affairs of the 1st instant, on the subject of the capture made by the Brazilian schooner-of-war "*Primeiro de Abril*," Jozé Maria Nogueira commander, of a canoe which was endeavouring to cross from Ilha Grande to the main land, although he ascertains from the same papers that the said canoe was carrying 47 Africans—45 of whom were newly imported, being completely "bozal," as appears from the examination which the Court ordered to be made on each of them; and two of whom appear to have come as sailors in the vessel which brought the former and many others from the coast of Africa, as may be gathered from the declarations given by these two: yet, considering that it is fully verified from the same papers, and from the information subsequently given by the commander of the schooner, and by the officer who detained the canoe in question, combined and agreeing throughout with the deposition of the two individuals found on board, that the capture of the said canoe was effected not in the territorial seas of Brazil, but in fact on a beach of the Brazilian territory itself, inasmuch as the schooner's boats in pursuit could only board her when she was already on some rocks near the aforesaid beach, so much so that the man at the helm and those at the oars, and possibly other individuals and some of the Africans, made their escape, the Brazilian Commissary-Judge is of opinion that the trial of this fact cannot belong to this Commission, but to the ordinary justice of the country; for which purpose, the said papers, together with all the subsequent acts of the Commission, should be remanded to the Government of His Majesty the Emperor, for them to give it the proper direction.

(Signed) JOAO CARNEIRO DE CAMPOS.

Rio de Janeiro, October 15, 1840.

A true translation,

JOZE AGOSTINHO BARBOZA, Jun.,
Interpreter to the Commission.

Seventh Enclosure in No. 211.

(Translation.) *Vote of the British Commissary-Judge on the* 15*th October*, 1840.

WAIVING for the present any question which the 2nd article of the Instructions, intended for the ships-of-war employed to prevent the illicit traffic in slaves, might give rise to, the British Commissary-Judge confines himself to the declaration of his regret, that he cannot agree with the opinion of his worthy colleague, that the trial of the canoe captured with Africans, the same being already on the rocks of the coast of Brazil when the boats in pursuit boarded her, belongs to the authorities of the country, and not to this Commission: the same Judge considering that the simple fact of the canoe in question being driven on the rocks in her attempt to get away from the capturing boat, which was so close that it was not possible for any one to escape, though so near the rocks as that a full-grown man might, according to the captain's statement, jump on shore, is not sufficient to consider this prize as effected on land; and that, consequently, the capture made by the Brazilian schooner-of-war can only be considered as a maritime capture.

(Signed) GEORGE JACKSON.

Rio de Janeiro, October 15, 1840.

A true translation.

JOZE AGOSTINHO BARBOZA, Jun.,
Interpreter to the Commission.

Eighth Enclosure in No. 211.

(Translation.) *Vote of the British Commissioner of Arbitration on the 20th October*, 1840.

THE present question turning solely on whether the capture were made on the land or on the sea, I have to say that, apart from every consideration relative to the further meaning with regard to the treaties and to the territorial limits, I am of opinion that the capture was not made on land.

(Signed) FREDERICK GRIGG.

Rio de Janeiro, October 20, 1840.

A true translation.

JOZE AGOSTINHO BARBOZA, Jun.,
Interpreter to the Commission.

Ninth Enclosure in No. 211.

(Translation.) (D.) *Vote of the Brazilian Commissary-Judge on the 23rd October*, 1840.

THE Brazilian Commissary-Judge, having already given his vote respecting the capture of the canoe with 47 Africans, by the Brazilian schooner-of-war "*Primeiro de Abril*," has only to add, in view of the question raised afresh with regard to the limits of the territorial seas of Brazil, that the 2nd article of the Instructions intended for the Portuguese and English vessels-of-war employed to prevent the illicit traffic in slaves, establishing, "that within cannon-shot no ship whatever can be captured even with Africans on board," it is clear that the effects of the convention terminating here, and consequently the attributes of this Commission, which acts only in virtue thereof, every act practised within the distance of cannon-shot can only be properly tried by the authorities of the country, when once this circumstance shall be ascertained and acknowledged, even though, as in the present case, the capture be made by a Brazilian man-of-war, because if the same can, without offending the rights of sovereignty of the Brazilian territory, pursue and detain any suspected vessel, it does not therefore follow that the trial of an act so committed should belong to this Commission, whose whole jurisdiction respecting it, as already stated, has ceased, and not to the authorities of the country in whose territory the capture was effected.

In view, therefore, of what has been laid down, and it being demonstrated that the chase was continued within the territorial seas of Brazil—and, further, the canoe having been boarded by the boats in pursuit when it was already on the rocks of the coast of the Brazilian continent—the aforesaid Judge has no hesitation whatever in ratifying his original vote; viz., that the trial of this capture ought, in any and every case, to belong to the authorities of the country; and that, with this view, all the documents relative to it should be re-transmitted to the Imperial Government.

(Signed) JOAO CARNEIRO DE CAMPOS.

Rio de Janeiro, October 23, 1840.

A true translation. JOZE AGOSTINHO BARBOZA, Jun.
Interpreter to the Commission.

Tenth Enclosure in No. 211.

(Translation.) *Vote of the British Commissary-Judge, on the 23rd October*, 1840.

THE Brazilian Commissary-Judge having been over-ruled with reference to the doubt raised by him in his vote of the 15th instant, touching this competency of this Commission to take cognizance of the canoe in question, the British Commissary-Judge would confine himself to proceeding to give his final vote for the condemnation of this prize; acting in this conformably to the principle recognized by his colleague in not fewer than eight cases (four of which had already been prosecuted before justices of the peace), submitted to this Commission by three different administrations; "the cognizance and competent adjudication of the same belonging to it," if it had not been attempted to censure the present government for having now proceeded in the same manner, alleging that this capture, having been made in the maritime territory of Brazil, its trial could belong only to the ordinary justice of the country—having in view the 2nd article of the Instructions intended for the ships-of-war employed to prevent the illicit traffic in slaves.

Now it is sufficient to read this same article to its conclusion, as well as the succeeding one, to be convinced that the prohibition mentioned in the former had solely in view the not prejudicing the rights of sovereignty, the object of all of them being the same: viz. "to prevent the said traffic." Thus it is that Brazilian men-of-war cannot indeed capture the merchant-ships of England whilst in a port or roadstead belonging to her, or within cannon-shot of her batteries on shore; neither can English men-of-war capture any Brazilian merchantmen in parallel circumstances: but here ends the prohibition. To pretend to extend it further, and to apply it to a capture made, it is true, in the waters of Brazil, but by a Brazilian cruiser, would be to suppose the absurdity of a power interdicting herself from putting in force a law against her own subjects within her own territory; an absurdity which becomes the more striking when we consider the liberty stipulated for at the end of the article in question—to address proper representations to the authorities of the country in case suspicious vessels should be found in such a situation.

The objection, therefore, drawn from the territorial question being refuted, it only remains for us, in order to decide that of the competency of this Commission in the present case, to refer to the 1st article of the aforesaid Instructions, which orders that the detained vessel be brought as soon as possible, for judgment, before the Mixed Commission: and be it remarked, this injunction is so express that the captor required no further authority for thus acting; whilst it is seen, by the documents transmitted to this Commission, that the act of the capture of the canoe with 47 new Africans had been submitted to three different departments of state, before reaching the only tribunal competent to try it, established by the Convention of 1817.

Such being the opinion of the British Commissary-Judge, after the most mature examination of this question, he will do no more than submit it to the consideration of his worthy colleague the

Brazilian Commissary-Judge, and invite his concurrence in the final sentence of condemnation of the canoe in question.

(Signed) GEORGE JACKSON.

Rio de Janeiro, October 23, 1840.

A true translation. JOZE AGOSTINHO BARBOZA, Jun.,
Interpreter to the Commission.

Eleventh Enclosure in No. 211.

(Translation.) *Vote of the British Commissioner of Arbitration on the 26th October*, 1840.

In my opinion the Mixed Commission is not competent to take cognizance of this case, inasmuch as the chase and the capture of the canoe were within the territorial seas of Brazil, recognized by the law of nations; wherefore I am of opinion that this entire case, and its papers, be returned to the Imperial Government.

(Signed) FREDERICK GRIGG.

Rio de Janeiro, October 26, 1840.

A true translation. JOZE AGOSTINHO BARBOZA, Jun.,
Interpreter to the Commission.

Twelfth Enclosure in No. 211.

(E.) *Final Judgment of the Court in the Case of the Canoe with* 47 *Africans.*

Rio de Janeiro, October 29, 1840.

The present papers, transmitted to this Commission in a Despatch of the 1st instant from the Department of State for Foreign Affairs, respecting the capture made by the schooner of war "*Primeiro de Abril*," Jozé Maria Nogueira, commander, of a canoe which was attempting to cross from the port of Abraõ, in Ilha Grande, to the mainland, being examined, it is seen that although it appears from them that the said canoe was carrying 2 white men and 47 Africans, 45 of whom were newly imported, being completely "bozal," as appears from the examination which the Court ordered to be made upon each of them, and 2 of whom appear to have come as sailors in the vessel which brought the former and many others from the coast of Africa, as may be gathered from the declarations given by these two; yet it being ascertained from the same papers, and from the information given by the commander of the schooner, and by the officer who detained the canoe in question, not only that the chase given by the boats of the schooner "*Primeiro de Abril*" was already in the territorial seas of Brazil, but even that she was only boarded when they had already reached the shore, near to some rocks, at a great risk, and that at that very spot the men at the oars and the helmsman effected their escape by throwing themselves into the sea, as well as some Africans, of whom Azambuja, the second lieutenant of the schooner "*Primeiro de Abril*," was able to save five. The undersigned Brazilian Commissary-Judge and the British Commissioner of Arbitration, in view of such facts, are of opinion that the trial of this capture does not belong to this Commission, and that the papers above referred to, together with all the subsequent acts of this Commission, should be remanded to the department of state from whence they came, in order that the Imperial Government may decide upon the judicial measures which may be proper in the present case, as well with regard to the Africans and the canoe as to the two individuals named David Gomes Jardim and Joaquim Gomes Jardim, captured in the same.

(Signed) JOAO CARNEIRO DE CAMPOS.
FRED. GRIGG.
GEO. JACKSON.

Overruled as regards the competency of this Commission.

(A true translation.)

(Signed) JOZE AGOSTINHO BARBOZA, Jun.,
Interpreter to the Commission.

Thirteenth Enclosure in No. 211.

(F.) *Report of the Case of a Canoe taken with* 2 *White Men and* 47 *Africans, by the Brazilian Schooner of War* "Primeiro de Abril," *in the attempt to cross from Ilha Grande to the Mainland, on the* 24*th September*, 1840.

Rio de Janeiro, October 31, 1840.

This canoe was seen by the Brazilian schooner of war "*Primeiro de Abril*," in the afternoon of 24th September, 1840, apparently laden with new Africans, the schooner being then at anchor off the bay of Estrella, in Ilha Grande. Two boats were immediately despatched in pursuit, and after a chase of some hours, during which the canoe made every effort to escape, paying no regard to a constant fire of musketry, she was boarded just as she struck on some rocks jutting from the mainland, by the first boat, under the command of the second lieutenant, Carlos Augusto Nascentes de Azambuja, who found in her two white men, brothers, of the name of Jardim, coffee-planters at Rezende, in this province; a "ladino" mulatto, slave to the same; and 47 Africans, of whom 45 "bozal," and 2 "ladino." A third white man (the helmsman), 6 rowers, and some Africans (of whom 5 were picked up) threw themselves into the sea before touching the rocks, and escaped.

The "*Primeiro de Abril*" arrived in this port with her prize on the 27th September; and the official report of the captor having passed through the three several Departments of Marine, Justice, and Foreign Affairs, the case was sent on the 1st instant from the latter department to this Commission for adjudication; and on the 3rd, Jozé Maria Nogueira, the commander of the "*Primeiro de Abril*," appeared, and ratified on oath his report, adding, that on questioning the two men who were found in the canoe as to how they came to be there, they answered, that, having gone to the estate of Dois Rios to see a machine (a model of which they had with them), on their return they found the said

canoe on the beach ready to start for the place of their residence, and that they embarked in the same without either knowing to whom she belonged or informing themselves whether the blacks were in fact "ladinos" or not, this being a matter which did not concern them, as they only required a passage; that he first saw the canoe at three o'clock in the afternoon, at two-thirds of a mile distance from the schooner under his command, and that by information he had obtained he learned that a vessel had lately arrived at the island of San Sebastian, for which he intended making the following day, in order to visit her, but that he was told that she had already sailed, and at the same time that four canoes had left her, laden from her cargo, for Ilha Grande, and that they were to be re-shipped from thence on the 25th September, at night; that the canoe that was taken was capable of carrying from 100 to 120 persons; that the two individuals found in her had employed no means, either by promises or otherwise, to be allowed to escape, nor shown any wish to do so; on the contrary, that they had behaved during the time they were on board with great dignity; that their portmanteaus had been examined on deck, in presence of the crew, but that nothing was found besides a change of linen; and that they had had no communication with the shore; that the knives mentioned in his despatch had been delivered up by the passengers themselves, and that he included them in the list of things found, as a salvo for his own responsibility; and that the instructions under which he acted were not only those established by the Treaty between Brazil and Great Britain for the abolition of the Slave Trade, but also other private ones which he had on board from his government.

The usual monition, according to the forms of this country, having issued, the examination of the two Jardims was gone into, at the close of which an exact survey of the 47 Africans was ordered by the Court, the result of which proved 45 to be "Bozal" and 2 "Ladinos."

The officer in command of the boat which first boarded the canoe was also directed to attend, which he had before been unable to do from illness, and on the 10th and 13th instant his deposition and that of the mulatto and of the two Ladino blacks were taken, making six witnesses in all.

The first witness, David Gomes Jardim, a white man, being sworn, deposed that he was a Brazilian subject, native of Rio Grande, a planter, and married; that he embarked at the port of Abrað, in Ilha Grande, for that of Jerumerim, where he had left his mules; that he had gone there to examine a machine, at an estate called Dois Rios, for husking coffee, and to see whether he would have one made like it; that when he took passage in the canoe, which was between four and five in the afternoon, the Africans captured in her were already on board, but that, as he had to cross to the other side, he did not examine whether they were "ladinos" or "bozal," the more so as he saw they were clothed with shirts and trowsers; that he had no interest in them, nor did he know to whom they belonged; that during the time he was in the canoe he asked no questions of the master, nor heard anything on this subject; that after being on board the schooner he found that the blacks were "bozal," as he heard them questioned by an interpreter; he denied that the weapons found on board of the canoe, such as pistols and knives, belonged to him, saying, that on taking the portmanteau and cloaks out of the boat they saw these weapons in the bow of the canoe, and then pointed them out to the officer; that the port where he embarked was four or five leagues distant from that where he was to land, sailing always between islands; and on being asked whether the canoe, when captured, had already reached the shore, he replied that she was taken when she struck on a rock on the beach of the mainland; that his residence was at Rezende, distant 13 leagues from the port of Jerumerim; that canoes were in the habit of crossing from the mainland to the islands, but that he was not in the habit of making this voyage from the mainland to the port of Abraõ, this being the first time he had done so; that he left home on the 19th September, and embarked at the port of Jerumerim in the night of the 21st to the 22nd; that he crossed in a small canoe which they hired expressly for that purpose, for Rs. 20 000; and that they reached the port of Abraõ at break of day on the 22nd; that the distance from the port where he landed to the estate where he went to see the machine, was about half a league; that he agreed with the master of the canoe, who, on its striking the rock, jumped for land, together with the rowers, and that they were taken when they struck on the rock in the dark; that they were then distant from Jerumerim about three leagues; that the boats fired on them as the canoe approached the land, but that they went on rowing, and paid no regard to the fire kept up by the boat, notwithstanding the remonstrances of him, deponent, not to make them victims; that the canoe, in which he left Jerumerim with his brother and a mulatto slave, was a small one, hired solely to carry them across, and that canoes were in the habit of crossing from the mainland to the islands.

The second witness, Joaquim Gomes Jardim, a white man, a Brazilian subject, native of the town of Rezende, where he resides, a planter, and married, being sworn, corroborated in every particular the previous witness, adding that the master of the canoe made some difficulty in giving him a passage, and only agreed to do so on being offered Reis 20,000, and promised to put them on shore at some other place, where there were canoes which would take them to Jerumerim, if he did not touch there; that canoes are constantly passing with blacks for the service of the different estates; that the helmsman said the reason of the boats firing on them was the belief that they had some deserters on board belonging to the schooner; that the canoe was aground when she was taken by the boat; that he had been at Rio de Janeiro in January last, and his brother in April or August, where they both had correspondents.

The third witness, Carlos Augusto Nascentes de Azambuja, second lieutenant in the imperial navy, deposed that when the two white men found in the canoe were asked by him at the time of their capture why the canoe had not been stopped when he fired on her, they replied that the rowers would not pay any attention to them, as they were only passengers, and wished themselves to escape; that for the rest, they (the white men) had conducted themselves very properly, delivering up the weapons they had in their possession, and making no resistance or attempt to escape; assigning as a reason for their visit to the Dois Rios their wish to examine the coffee-machine, a model of which they had with them; that the 47 Africans were all taken in the canoe, with the exception of five, who were picked up out of the water; that he went in his boat to draw the canoe from off the rocks, on which she had struck; that a strong man could jump from the canoe on shore, but that she was not in fact aground, as she struck on the detached rocks that were alongside the shore, on the spot for which she was making.

The fourth witness, Bertolino, a mulatto, declared that he was the slave of Joaquim Gomes Jardim, having been born in the house of his mistress, now married to the same, and that he embarked with them at the port of Jerumerim, and went with them to Ilha Grande, to the estate of Dois Rios, to

see a machine for taking the husk off coffee, and that returning they embarked in this canoe, not finding any other; that the (new) blacks did not belong to his master, nor did he know to whom they belonged; that besides his master there was another white man in the canoe, whose name he did not know, and who jumped into the sea at the time when the canoe struck on the rocks, and whom he believed to be the master of the canoe; and that this was the first time that he (witness) had crossed the bay.

The fifth witness, Bento, a black, declared that he was a slave of one Francisco Soares of Angola; that he was deceived by the captain of a vessel, who brought him, together with many other blacks, but that he does not know the name either of the captain or of the vessel, which made the land at a point which he did not know; and that on the same day he was put with the other captured negroes into this canoe to go to Ilha Grande: he afterwards stated that it was in front of St. Sebastian that he embarked in the canoe in company with other canoes whose destination he did not know; that he saw the two white men who were in the canoe for the first time on the beach, when they were endeavouring to obtain a passage in her, and that the master at first refused, and only consented after much altercation; and that she then set sail immediately. That the white man who threw himself overboard from the canoe had come in the same vessel with him from Angola; that he first left this vessel in a small canoe, from which he afterwards passed into the one now taken, but that the two white men captured in this canoe were not on board that vessel.

The sixth witness, Joaquim, a black, declared that he was a slave of one Francisco Soares of Angola; that he was sent by him on board a vessel, the captain of which put him in irons; and that he came to this coast of Brazil in company with the Africans now captured, and with many other new blacks, who disembarked in canoes, making for different points; that in this canoe there was a white man, who had also come with him from Angola, and subsequently in this canoe, with the blacks taken in the same, and that he threw himself overboard on approaching the shore; that the two white men, now prisoners, did not come with him from Angola, and that he only saw them on the beach at the moment of their taking passage for the port they were going to, and that they were all captured on the same day on which they left the vessel.

The evidence being closed, an incidental and preliminary question arose between the British and Brazilian Commissary Judges, viz., whether this capture was made on the land or on the waters of Brazil. The latter was of opinion that it was made on land, and that it was for the authorities of the country, and not for this Commission, to try it. The former considered that it was a maritime capture, and asserted the competency of the Commission in the case.

This point being referred to arbitration, the lot fell on Her Majesty's Commissioner of Arbitration, who decided that the capture was not made on land.

The main question still remained, viz., whether the captor was authorised to make the capture and submit its trial to this Commission, in view of the Second Article of the Instructions intended for ships of war employed to prevent the illicit traffic in slaves. The Brazilian Commissary Judge again insisted on the incompetency of this Commission in consequence of that article, and that the whole case should be remanded to the Imperial Government, with a view to its being submitted to the authorities of the country: the British Commissary Judge was of opinion, that the prohibition in the first part of the aforementioned Second Article did not extend to the case of a captor in territory belonging to his own country. Resort was again had to the arbitrator who decided the former question, namely, Her Majesty's Commissioner of Arbitration, and that gentleman concurring in opinion with the Brazilian Commissary Judge, the final judgment of the Court was drawn up on the 29th instant, in conformity thereto, signed by the Brazilian Commissary Judge and the British Commissioner of Arbitration; as also, it being required by the forms of this country, by Her Majesty's Commissary Judge, as over-ruled as to the competency of the Commission; and the whole proceedings, as well those relating to the capture as to the acts of the Court, were remitted to the Imperial Government.

GEO. JACKSON.
FRED. GRIGG.

No. 212.

Her Majesty's Arbitrator to Viscount Palmerston.

Rio de Janeiro, October 31, 1840.
(*Received January* 25, 1841.)

My Lord,

Her Majesty's Commissioners have had the honour to receive your Lordship's Despatch of the 24th August, 1840, enclosing a copy of a memorial from the General Anti-Slavery Convention, acquainting them that Her Majesty's Government concurs in the sentiments expressed in that memorial, and especially in the opinion that it would be unfitting that any officer holding an appointment under the British Crown should either directly hold or be interested in slave property.

In the memorial in question it is stated that the Convention has learnt, with feelings of surprise and regret, that British functionaries in Brazil and other slave-holding countries hold slaves; that they purchase them in the public slave-market and elsewhere, work them in mines and on sugar-plantations; employ them as domestic slaves, and sell them or dispose of them as necessity or caprice may dictate; wherefore the Convention submits to your Lordship, that the British Parliament having declared it just and expedient that all persons held in slavery in the colonies of Great Britain should be manumitted and set free, the holding, hiring, buying, or selling slaves by British func-

tionaries is not only an open violation of these just and equitable principles, but that it materially contributes to prevent the extinction of slavery in those countries, and throughout the world at large.

In reply to your Lordship's Despatch, I am enabled to report that from the day of my arrival in this country to the present I have never held, directly or indirectly, a single slave, or been in any way interested in slave property.

I have been, however, and am still, obliged to yield to the necessity of hiring slaves as household servants, inasmuch as there are but few white servants here, and that, besides requiring inordinate wages, they will not perform the services which are habitually discharged by servants in Europe, and thus require, with scarcely an exception, an under establishment of slaves.

I have, &c.
(Signed) FRED. GRIGG.

The Right Hon. Viscount Palmerston, G.C.B.,
&c. &c. &c.

(Extract.) No. 213.

Her Majesty's Commissioners to Viscount Palmerston.

Rio de Janeiro, November 24, 1840.
(*Received January* 25, 1841.

We have the honour to acknowledge the receipt of your Lordship's Despatch of the 8th September, 1840, in which your Lordship acquaints us, with reference to previous correspondence upon the subject of the "*Flor do Loanda*," that Her Majesty's Advocate-General has reported his opinion that for the reasons therein given this Court could not award damages to the owners of that vessel, and instructs us to act strictly in accordance with this opinion, should an attempt be made by parties interested in the "*Flor do Loanda*" to bring under the consideration of the Court any such claim on account of the seizure of that vessel.

In assuring your Lordship of our punctual attention to this instruction, we beg leave to add that no claim or representation of any kind whatever has reached us with regard to the "*Flor do Loanda*" since the Court declared its incompetency to deal with that case; nor do we consider that our colleagues would be at all more disposed than ourselves to entertain any such claim, or representation, if made; and as regards our own individual opinion, your Lordship will, moreover, have observed in the proceedings of Her Majesty's Commissary-Judge on former occasions the distinct assertion of the principle, that no compensation is due to traders for losses sustained by them in cases of illegal traffic.

No. 214.

Her Majesty's Commissioners to Viscount Palmerston.

Rio de Janeiro, January 2, 1841.
(*Received March* 6.)

My Lord,

In pursuance of the 75th clause of an Act passed in the fifth year of the reign of His Majesty George IV., entitled "An Act to Amend and Consolidate the Laws relating to the Abolition of the Slave Trade," we have the honour to transmit herewith a return of all vessels adjudicated in the Mixed British and Brazilian Court of Commission established in this city, from the 5th of July to the 31st December, 1840.

We have, &c.
(Signed) GEORGE JACKSON.
FRED. GRIGG.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

Enclosure in No. 214.

Return of Vessels adjudicated by the British and Brazilian Court of Mixed Commission, established at Rio de Janeiro, from the 5th of July to the 31st of December, 1840.

Name of Vessel.	Tonnage.		Date of Seizure.	Where Captured.		Property Seized.	Seizor.	Date of Sentence.	Decretal part of Sentence.
	Brazilian Admeasurement.	British Admeasurement.		Lat.	Long.				
	Tons.	Tons.	1840.					1840.	
Paquete de Benguela	70	56	August 29	23° 20′ S.	44° 6′ W.	Patacho, and 280 negroes.	Her Majesty's brig "Wizard," Lieutenant Birch commanding.	Sept. 28	Vessel condemned, and the surviving Africans, to the number of 274, emancipated.
Alexandre . . .	73	58½	Sept. 2	S. W. ½ S. from the	23 miles Sugar Loaf	Galliot & cargo	Her Majesty's sloop "Grecian," William Smyth, Esq., Commander.	Sept. 10	Restored to her owners, being proved to be a coasting vessel not employed in the traffic of slaves.
A Canoe 40 feet long	..	..	Sept. 24	Off the Estrella in	Bay of IlhaGrande.	Canoe, and 47 Africans.	Brazilian schooner of war "Primeiro de Abril," Lieutenant Jozé Maria Nogueira commanding.	Oct. 29	Remitted back to the Imperial Government; the Court, upon arbitration, considering itself incompetent in this case, from the locality of the capture.

No. 215.

Her Majesty's Commissioners to Viscount Palmerston.

Rio de Janeiro, January 9, 1841.
(*Received March* 6.)

My Lord,

In our Despatch of the 17th of October, 1840, we had the honour to inform your Lordship that a claim for indemnities had been presented to the Court in the case of the restored Brazilian galliot "*Alexandre*," and that such claim was under consideration.

Among other items claimed was a sum of money amounting to 800,000 Rs., which the master asserts he had when taken. This the captor having denied, the Court required proof of the existence of such sum before it would go into any further examination of the claim. To this day, though we understand some steps have been taken before the British Conservator, this proof has not been furnished, and we have, consequently, no further report for the present to make to your Lordship on the subject.

When the case closes, we shall not fail to possess your Lordship with every particular respecting it.

We have, &c.
(Signed) GEORGE JACKSON.
FRED. GRIGG.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

No. 216.

Her Majesty's Commissioners to Viscount Palmerston.

Rio de Janeiro, January 11, 1841.
(*Received March* 25.)

My Lord,

We have the honour to transmit herewith a list of all such vessels as sailed from Rio de Janeiro for the coast of Africa, from the 1st of June to the 31st of December, 1840, as also of those which during the same period have arrived thence.

The departures, 35 in number, comprise a tonnage of 5710; and the arrivals, to the number of 18, of 1774 tons.

The principal novel feature which this list of departures exhibits, is the assumption of Brazilian colours by those very vessels which were formerly wont to sail under those of Portugal, and of which unfortunately not one has been taken by Her Majesty's cruizers on this coast. 27 cleared out as Brazilian, and only 3 as Portuguese; 1 Russian and 1 Danish vessel are also found in this list, and 3 North Americans. Whether the 2 former were destined for licit or illicit trade we have no means of ascertaining, but the 3 latter have become very notorious for their perseverance and successful adventures in the Slave Trade: the "*Pilgrim*" particularly, specially reported by us in a preceding Despatch, has distinguished herself, as will appear from these lists, by her activity.

The arrivals, your Lordship will observe, are comparatively few, only 18, or, deducting those respecting which no grounds for suspicion exist, not more than 12, viz.:—

3 Brazilians,
5 Portuguese, and
4 North Americans.

According, therefore, to the usual average of 3 slaves to a ton, the arrivals during the last 7 months would show an importation into this province of 5322; but here it must be borne in mind, that many vessels on their return from the coast of Africa either land their slaves without entering any port at all, or else enter some of the outports, where the facilities of deception are

greater, and then on their arrival here report themselves as from that outport with some licit cargo.

The effects too of the Act of the 24th of August, 1839, and of the increased activity of Her Majesty's cruisers on both the western and eastern coasts of Africa, may well account for this diminution, as the employment of late of so many of the British squadron in the river Plate may explain the unmolested departure of vessels bound hence to those coasts.

We have, &c.
(Signed) GEORGE JACKSON.
FRED. GRIGG.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

First Enclosure in No. 216.

Departures from the Port of Rio de Janeiro for the Coast of Africa, from the 1st of June to the 31st of December, 1840.

Date.	Name of Vessel.	Tonnage	Nation.	Whither.
1840.				
June 2	Andorinha . . .	271	Brazilian .	Cape Verde por Angola.
,, 7	Josephina . . .	120	,,	Angola e Benguela.
,, 14	Estrellado Cabo . .	217	,,	Benguela.
,, 19	Commissary . . .	403	American .	Cape Verde pela Bahia e Pernambuco.
,, 20	Elisa	55	Brazilian .	Cape Verde por Benguela.
July 12	Pacifico	305	,,	,, Angola.
,, 23	Claudina	130	,,	Açores por Africa.
Aug. 1	Feliz Animoso . .	180	,,	Benguela e Costa da Mina.
,, 6	Maria	147	,,	Gôa por Sofala.
,, 18	Conceição Felicidade do Brazil.	110	,,	Cape Verde por Benguela.
,, 27	Marianna . . .	80	Portuguese	Benguela.
,, 30	Sophia	294	American .	Cape Verde por Ambriz.
,, 30	Fluminense . . .	122	Brazilian .	,, Benguela.
Sept. 4	Espadarte . . .	125	,,	Benguela por Pernambuco.
,, 5	Pilgrim	205	American .	St. Thomé.
,, 5	Johannes	448	Russian .	Cape Verde pela Bahia.
,, 13	Dous Amigos . .	227	Brazilian .	,, por Angola e Benguela.
,, 16	Orozimbo . . .	192	,,	Angola e Benguela.
,, 17	Onze de Novembro .	206	,,	St. Thomé por Africa.
,, 26	Fortuna	208	,,	Cape Verde por Benguela.
Oct. 4	Animo Grande . .	217	,,	Moçambique.
,, 6	Jacob	473	Dane . .	Cape Verde.
,, 11	Paquete do Rio da Prata	154	Brazilian .	Angola.
,, 29	Vinte Tres de Julho .	81	,,	Benguela.
,, 30	Vencedora Feliz . .	85	,,	Ditto.
Nov. 10	Constante . . .	237	Portuguese	Açores por Africa e Canarias.
,, 15	Bom Fim . . .	55	Brazilian .	St. Thomé.
,, 15	Jupiter	164	,,	Benguela.
,, 15	Bella Flor . . .	34	,,	Ilha do Principe.
,, 23	Tejo	268	,,	Gôa por Africa.
,, 29	Aventureiro . . .	212	Portuguese	Lisbon por Cape Verde.
Dec. 3	Nova Inveja . . .	137	Brazilian .	Cape Verde.
,, 14	Josephina . . .	120	,,	Benguela.
,, 25	Bella Marilha . .	126	,,	Angola.
,, 27	Estrella do Cabo . .	223	,,	Benguela.

Second Enclosure in No. 216.

Arrivals at the Port of Rio de Janeiro from the Coast of Africa, from the 1st of June to the 31st of December, 1840.

Date.	Name of Vessel.	Tonnage.	Nation.	Whence.	Cargo.	Remarks.
1840.						
June 23	Georgiana . . .	52	Hamburgh	Cape Verde	Salt.	
July 4	Marianna . . .	80	Portuguese	Benguela	Wax and Ivory	Stopped by Brazilian police, but subsequently liberated.
,, 5	Robert Watt . . .	220	English	Cape Verde	Salt.	
,, 18	Pilgrim	180	American	Cabinda	In ballast .	Ditto.
Aug. 22	Frederica Louisa .	136	Dane	Cape Verde	Salt.	
,, 30	Bellona	117	Portuguese	Angola	In ballast .	Ditto.
,, 31	Idália (Paquete de Benguela.)	70	,,	Benguela	..	Prize to H.M.B. "Wizard."
Sept. 15	Betty	219	Dane	Cape Verde	Salt.	
,, 19	Lord Anson . . .	124	English.			
,, 26	Vencedora Feliz . .	85	Brazilian	Benguela	Wax and Ivory	Stopped by Brazilian police, but subsequently liberated.
Oct. 3	Josephina . . .	120	,,	Angola	Wax and Oil	Ditto.
,, 17	Flor de Loanda . .	160	Portuguese	,,	,,	Ditto.
,, 18	Estrella do Cabo .	217	Brazilian	Benguela	Wax and Ivory	Ditto.
,, 22	Carolina	252	American	Cape Verde	Salt.	
Nov. 26	Aminius	154	Bremen.			
,, 26	Pilgrim	180	American	Cabinda	In ballast .	Ditto.
Dec. 22	Conceiçaõ da Maria .	181	Portuguese	Angola por Pernambuco.	Oil and Wax.	
,, 23	Sophia	132	American	Ilha do Maio	Salt.	

No. 217.

Viscount Palmerston to Her Majesty's Commissioners.

GENTLEMEN, *Foreign Office, March* 12, 1841.

I HEREWITH transmit to you, for your information and guidance, a copy of an instruction which I have this day addressed to Her Majesty's Chargé d'Affaires at Rio de Janeiro, respecting the negroes emancipated by sentence of the Mixed British and Foreign Commission established at Rio de Janeiro; and I have to desire that you will facilitate to the utmost of your power the arrangements therein contemplated.

Whenever the negroes in question shall be brought before you, you will ask each negro separately whether he or she would like to go to a British colony, explaining to them that slavery having been entirely abolished by law in the British dominions, they would be sure to retain their liberty therein. And if the Brazilian Government or the Brazilian Commissioners should make any objection to this proceeding, your reply will be that these negroes are by Treaty and by sentence of the Mixed Court free, and that being free they may go where they like, without requiring the consent of the Brazilian Government.

Such of these negroes as may wish to leave Brazil should be placed by you under the care of the officer who may be appointed by Her Majesty's Chargé d'Affaires to receive them, in order to their being sent to a British colony.

I have, &c.

(Signed) PALMERSTON.

Her Majesty's Commissioners,
&c. &c. &c.

Enclosure in No. 217.

Viscount Palmerston to Mr. Ouseley. March 12, 1841.

(See Class B.)

No. 218.

Viscount Palmerston to Her Majesty's Commissioners.

GENTLEMEN, *Foreign Office, March* 20, 1841.

I HAVE referred to Her Majesty's Advocate-General your Despatch of the 5th of October, 1840, containing your report of the case of the Brazilian vessel "*Alexandre*," adjudged by you upon a charge of Slave Trade; and I have to acquaint you that the Queen's Advocate does not see any reason for doubting that the "*Alexandre*," at the time of her detention by Her Majesty's brig "Grecian," was engaged in an innocent coasting voyage between Rio de Janeiro and Campos. And the Queen's Advocate is therefore of opinion that the Court of Mixed Commission at Rio de Janeiro acted quite properly in decreeing her release.

I am, &c.
(Signed) PALMERSTON.

Her Majesty's Commissioners,
&c. &c. &c.

No. 219.

Her Majesty's Commissioners to Viscount Palmerston.

Rio de Janeiro, February 8, 1841.
(*Received April* 10.)

MY LORD,

ON the 16th ultimo Lieutenant Foote, of Her Majesty's brigantine-of-war, "Fawn," brought into Court the papers of a vessel called "*Asseiceira*," detained, under no colours, on the 31st of December, 1840, off St. Sebastian, with 332 slaves on board, by the said brigantine-of-war, Her Majesty's brig-of-war "Partridge" being in company with the "Fawn" at the time.

This case was entered upon without delay, and most of the witnesses had been examined, when the proceedings of the Court were suspended for some days by the circumstances related in our succeeding Number.

We must confine ourselves, therefore, on this occasion to informing your Lordship of the capture of the "*Asseiceira*," and to the transmission of the following introductory papers.

The declaration and affidavit made of the capture by Lieutenant Foote.

A supplementary declaration made before the Court on the 18th of January, by Mr. Gabriel Johnson, mate of Her Majesty's ship "Fawn," relative to the same.

A letter from Lieutenant Foote to the Court of the same date, enclosing an extract from the official log of the "Fawn," respecting the precise spot where the prize was taken, and adding that he had left Mr. W. C. Marshall (mate of Her Majesty's brig "Partridge") in charge of the "*Asseiceira*."

We have, &c.
(Signed) GEORGE JACKSON.
FRED. GRIGG.

The Right Hon. Viscount Palmerston, G.C.B.,
&c. &c. &c.

First Enclosure in No. 219.

Captor's Declaration.

I, JOHN FOOTE, lieutenant and commander of Her Britannic Majesty's brigantine "Fawn," hereby declare that on this 31st day of December, 1840, being off the island of St. Sebastian 20 miles, I detained the vessel named the "*Asseiceira*" (Her Majesty's brig "Partridge" being in company at the time), sailing under no colours, armed with no guns, commanded by Antonio da Silva Mellão (nominally), who declared her to be bound from "Quillimane" to Ilha Grande, with a crew consisting of 23 men, 5 passengers, whose names, as declared by them respectively, are inserted in a list at foot hereof, and having on board 332 slaves, said to have been taken on board at Quillimane, on the 3rd day of November, 1840, and are enumerated as follows:—

	Healthy.	Sickly.
Men . . .	74	11
Women . . .	19	6
Boys . . .	152	16
Girls . . .	51	3
	296	36

I do further declare that the said vessel appeared to be seaworthy, and was supplied with a sufficient stock of water and provisions for the support of the said negroes and crew in their destined voyage to *Ilha Grande.* I do further declare that the Africans appeared healthy after so long a voyage, which I attribute to their being constantly allowed to come on deck; the chief part consisting of young boys and girls, the majority of whom were labouring under the effects of cutaneous eruptions.

(Signed) JOHN FOOTE, *Lieutenant and Commander, Her Majesty's Brigantine* "Fawn."

Witnessed (Signed) GABRIEL JOHNSTON, *Mate.*
EUSTACE J. WALSH, *Assistant Surgeon.*

List of the Crew.

Antonio da Silva Mellão, master.
João Baptista Boisson, 1st pilot.
Wenceslau Baptista da Silva, 2nd pilot.
Jozé Gomes Machado, contra master.
Francisco Antonio de Campos, seaman.
Jozé Martins da Cunha, do.
João Lopez Vieira, do.
Antonio Jozé da Silva, do.
Manoel Gonçales Braga, do.
Amancio Nunez, do.
Luiz Correa Marcos, do.
Antonio Vieira, do.
Antonio Maria, seaman.
Francisco Antonio (*a*), do.
Joaquim da Costa, do.
Jozé Pereira, do.
Fabliano Jozé, do.
Francisco M. Pinto, do.
Francisco Antonio, do.
João Thomas, do.
João Gonçales Janes, do.
Manoel Antonio Durado, boy.
Antonio Jozé Teixeira, seaman.
Jozé da Silva, do.

Passengers.

Manoel Ribeira d'Abrea.
Manoel Miz Machado.
João Jozé Pereira.
Jozé da Costa Fer. Guimaraes.
Jozé Joaquim da Silva Lisboa.
Also 4 blacks, acting as cooks to the negroes.

I do further declare that one slave died at sea on the passage to Rio de Janeiro.

(Signed) JOHN FOOTE.
GABRIEL JOHNSTON, *Prize Master and Mate.*

I do further declare that I seized the following sums of money from the undermentioned passengers, being part owners of the Africans on board the said brig "*Asseiceira,*" viz. :—

Jozé da Costa Fernando Guimaraes, 312 half-doubloons.
Manoel Ribeira d'Abrea, 59 half-doubloons 4 dollars $\frac{1}{8}$ dollar.
João Jozé Pereira, 8 half-doubloons 7 dollars.

(Signed) JOHN FOOTE, *Lieutenant and Commander.*

Our Sovereign Lady the Queen Victoria against the brig "Asseiceira," *João Antonio da Silva Mellão, Master, her tackle, apparel, and furniture, and the goods, wares, merchandise, and slaves on board the same; taken by Her Majesty's brigantine-of-war* "Fawn," *John Foote, Esq., lieutenant and commander, and brought to Rio de Janeiro.*

Appeared personally John Foote, lieutenant and commander of Her Majesty's brigantine "Fawn," duly authorised and empowered according to the provisions of the Additional Convention to the Treaty between His Imperial Majesty and Her Britannic Majesty, to make seizures of vessels under Brazilian colours engaged in the Slave Trade, being duly sworn, maketh oath that on the 31st of December, 1840, being to the eastward of St. Sebastian 20 miles, Point Joatinga bearing N. by E., Her Majesty's brig "Partridge" being in company at the time, he seized and detained the vessel called "*Asseiceira,*" whereof João Antonio da Silva Mellão was master, by reason that the said vessel was employed in the traffic in slaves, contrary to the existing Treaties entered into with His Britannic Majesty and His Imperial Majesty the Emperor of Brazil. And the deponent further maketh oath that the papers, writings, and documents hereunto annexed, marked from No. 1 to No. 18 inclusive, were given up to and seized by this deponent, and that the same are now brought and delivered up in the same plight and condition as when so received by this deponent, without any fraud, addition, subduction, alteration, or embezzlement whatever, save the numbering and marking thereof.

(Signed) JOHN FOOTE.

Second Enclosure in No. 219.

Supplementary Declaration of Mr. Gabriel Johnston, Mate of Her Majesty's ship "Fawn."

Rio de Janeiro, January 18, 1841.

THAT he is the officer who was first ordered on board the brig "*Asseiceira.*" That when at the distance of 50 fathoms from the vessel he ordered two musket-shots to be fired from the boat in which he was, as the vessel had not hoisted any colours, upon which a Portuguese ensign was shown from the vessel's stern, which was taken for a signal of surrender. That he then ran alongside, and took possession of the vessel, finding that she had on board a cargo of slaves. That the passengers and crew were afterwards sent on board the "Fawn," her commander having arrived in the interim. That subsequently he, the deponent, was left in charge of the vessel, with orders to proceed to Rio de Janeiro in company with the "Fawn;" the master, Mellão, and the first pilot, Boisson, remaining on board with him. That in a conversation which he had with Boisson he told deponent that a part of the slaves on board belonged to the passengers, declaring how many belonged to each—70 to one, and 100 and odd to another; but that he does not now remember their names, although they were told to him. That finally, after 14 days' voyage, he arrived with the prize in this port, where he anchored, and immediately sent the slaves on board Her Britannic Majesty's frigate "Crescent," by order of Commander Christie, of Her Majesty's sloop "Rose." That Lieutenant Foote came afterwards on board the "*Asseiceira,*" and carried away with him the master and the pilot on board the "Crescent," leaving him, the deponent, in charge of the prize.

(Signed) GABRIEL JOHNSTON,
Mate of H.M.S. "Fawn."

Third Enclosure in No. 219.

Lieutenant Foote to the Mixed Commission.

GENTLEMEN, *H. M. Brigantine* "Fawn," *January* 18, 1841.

I BEG leave to enclose an extract from the official log of Her Majesty's brigantine under my command of the 31st of December, 1840, respecting the position of the Portuguese brig "*Asseiceira*" at the time I detained her.

I also beg leave to acquaint you that I have left Mr. W. C. Marshall (mate of Her Majesty's brig "Partridge" and witness to the capture) in charge of the said brig "*Asseiceira,*" her apparel and furniture.

I am, &c.

(Signed) JOHN FOOTE,
Lieutenant and Commander, H. M. B. "Fawn."

The Commissioners of the Mixed Commission Court,
Rio de Janeiro.

An Extract from the Log of Her Majesty's Brigantine "Fawn," *December* 31, 1840.

"P.M. Hauled up in chase of a suspicious-looking brig to the southward, with no foretop-gallant-mast, Her Majesty's brig 'Partridge' in sight on our starboard quarter—observed a boat from her pulling towards us.

"3. 30. Observed the brig, our chase, alter her course; set larboard studding-sails in chase ('Friar's Hood' bearing N. over Joatinga Point).

"4. Friar's Hood N., Joatinga N. ½ E. 'Partridge's' boat came alongside with her commander, who came on board. Observed chase make more sail, steering more to westward. Made the signal to 'Partridge'—join in chase—sent gig to board and examine her. Fired 6-pounder blank twice to bring her to. Chase about 5 or 6 miles a-head—sent 'Partridge's' gig still alongside to follow and board her also.

"6. 15. Boats boarded her—observed her shorten sail and round-to—making the concerted signal for a prize.

"7. 45. Shortened sail and hove-to, to leeward of the prize. Found her to be the Portuguese brig '*Asseiceira,*' from Quillimane, with 332 slaves—Point Joatinga bearing N.N.E., 'Friar's Hood' N. by E. ½ E., centre of the Island of Busios due W."

(Signed) "JOHN FOOTE."

No. 220.

Her Majesty's Commissioners to Viscount Palmerston.

Rio de Janeiro, February 8, 1841.
(Received April 10.)

MY LORD,

THE real master and supercargo of the prize "*Asseiceira,*" a Frenchman by birth, João Baptista Boisson, was originally an officer in the Brazilian navy; and an elder brother of his is, at this moment, high in the same service.

As the time approached for the examination of the former, reports became current that some attempt at a rescue in his passage to the Court would probably be made; and the Marshal having on the 21st and 22nd ultimo made

statements to that effect, it was determined to lay the case before the Government.

We have the honour to transmit to your Lordship herewith translated extracts from our minutes on this subject, which were forwarded immediately by the Brazilian Commissioner, who, on the 4th instant, presented the answer of his Government, of which the enclosed is a translation, to the effect, that though any obstruction would be duly suppressed, orders had been given to prepare a room for the Commission at the Marine Arsenal, where on more than one occasion, from a similar apprehension of disturbance, the Court had been requested by the Imperial Government to hold its sittings.

On this occasion, the great advantage which this Commission derives from the circumstance of Senhor João Carneiro de Campos, the Brazilian Commissary Judge, being also Under Secretary of State, became very apparent. That gentleman being absent on a short leave, his duties have devolved on the Commissioner of Arbitration, who, being no otherwise connected with the Imperial Government, does not possess the same facility of communication; so that a determination, which would have been obtained by the former probably in twenty-four hours, in the present instance required a delay of ten days.

We have, &c.
(Signed) GEORGE JACKSON.
FRED. GRIGG.

The Right Hon. Lord Viscount Palmerston, G.C.B.
&c. &c. &c.

First Enclosure in No. 220.

Extract of the Minute of Session of January 21, 1841.

THE secretary presented the report made by the Marshal of the Commission, which is as follows:

ILLUSTRIOUS SIR, *Rio de Janeiro, January* 21, 1841.

I HAVE the honour to communicate to you, to be made known to the Commission, that on my arrival to-day with the prisoners at the Marine Arsenal, an officer of the Imperial Navy, said to be called Boisson, who was waiting, presented to the serjeant of the escort a paper, telling him that it was an order from the commander of the "*Permanentes*," in order that his brother might not be conducted in the midst of the guard, but that he should go arm in arm with his brother at a certain distance from it; but as the said prisoner did not come, the serjeant would not read the paper, and we went on our way; on arriving at Pescadores Street, the said officer came up to me, and told me the same, begging of me to accede to it; I answered that the orders of the Commission would not allow me, and without its orders I could not accede to it.

I have, &c.
(Signed) THOMAS B. HUNT,
Marshal of the Commission.

To Lieutenant Braz Martins Costa Passos.

The British Commissary Judge declared, that having heard, beside this communication, that there was a question of an attempt at a rescue, whenever the said Boisson might come to be examined before the Commission, he proposed to his worthy colleague, as well to avoid such an attempt as in consideration for an individual who had a brother of high rank in the Imperial Navy, and who himself had formerly belonged to the same, that the same expedient should be resorted to in the present case as has before been practised, viz., to bring this individual to the Marine Arsenal to be examined, instead of having him brought to the Mixed Commission Court House. To which the acting Brazilian Commissary Judge answered, that having the greatest reliance on the Brazilian authorities, he thought it would be sufficient to give a particular recommendation to the commander of the Municipal Corps of "*Permanentes*" in bringing up the prisoner; but to satisfy his colleague, he would communicate to His Imperial Majesty's Government the minute of this day's session upon this subject, to determine as it might think proper.

(Signed) BRAZ MARTINS COSTA PASSOS,
Secretary.

A true translation.
(Signed) JOZE AGOSTINHO BARBOZA, Jun.,
Interpreter to the Commission.

Second Enclosure in No. 220.

Extract of the Minute of Session of January 22, 1841.

THE secretary presented a further communication, made to-day by the Marshal, which is as follows:

ILLUSTRIOUS SIR, *Rio de Janeiro, January* 22, 1841.

I HAVE the honour to communicate to you that the officer, Boisson, has to-day spoken again to me upon the same subject, and at my request he immediately showed the order he had mentioned yesterday, signed with a name I could not read; but he told me that it was from the commander of the "*Permanentes*," ordering the officer commanding the escort to deliver up to him (the officer) his

brother, who was a prisoner. I told him I should follow the orders of the Commission, when he declared that he would never consent that his brother should be brought up in the midst of soldiers, and that he would sooner lose twenty lives, if he had them, and that he did not care for whatever disturbance there might be, for that it was an infamy to see an officer of superior rank in the midst of an escort.

I have, &c.
(Signed) THOMAS B. HUNT.

Senhor Braz Martins Costa Passos, Secretary.

In consequence of which the acting Brazilian Commissary Judge said that he would communicate this, as well as what occurred yesterday, to his Government.

(Signed) BRAZ MARTINS COSTA PASSOS,
Secretary.

A true translation.
(Signed) JOZE AGOSTINHO BARBOZA, Jun.,
Interpreter to the Commission.

Third Enclosure in No. 220.

The Minister for Foreign Affairs to the Brazilian Judge.

SIR, *Palace, February* 3, 1841.

ACKNOWLEDGING the receipt of your Despatch of the 23rd of January last, transmitting copies of the Minutes of Session of the Court, of the 18th, 21st, and 22nd of that month, I am to acquaint you, with respect to the proceeding practised, which prevented the bringing the prisoner, João Baptista Boisson, under escort before the Mixed Commission, that although there can be no doubt in contro, the officer or any other individual who may attempt to obstruct the ways of justice, yet that the necessary orders have been given to the Inspector of the Marine Arsenal to prepare for the Mixed Brazilian and English Commission a room where they may make the required examination.

God preserve you, &c.
(Signed) AURELIANO DE SOUZA OLIVEIRA CONTINHO.

Senhor João Pereira de Souza.

A true translation.
(Signed) JOZE AGOSTINHO BARBOZA, Jun.,
Interpreter to the Commission.

Fourth Enclosure in No. 220.

(Translation.) *Marshal's Certificate.*

I CERTIFY, that in virtue of the above order for his appearance before the Court, I went on board the English frigate "Crescent," and made João Baptista Boisson acquainted with the whole contents of said order, which he acknowledged.

On reaching the shore, the said prisoner was taken from the guard by an officer of the Corps of Permanentes, therefore I could not consider myself responsible either for the person of the prisoner, or for the fulfilment of the order not to allow communication with any one; but I am not aware that on this occasion he had communication with any person, unless it was with his brother.

(Signed) THOMAS B. HUNT,
Rio de Janeiro, February 5, 1841. *Marshal of the Court.*

I further certify, that when the prisoner was taken by the officer from the guard, his brother was present, and accompanied them a few yards, but I cannot say whether he spoke to him or not, because I remained at a distance with the guard.

(Signed) THOMAS B. HUNT.

Rio de Janeiro, era ut supra.

A true translation.
(Signed) JOZE AGOSTINHO BARBOZA, Jun.,
Interpreter to the Commission.

No. 221.

Viscount Palmerston to Her Majesty's Commissioners.

Foreign Office, April 15, 1841.

Circular sending Treaty with the Argentine Confederation.

(See No. 11.)

No. 222.

Her Majesty's Commissioners to Viscount Palmerston.

Rio de Janeiro, February 24, 1841.
(*Received April* 15.)

MY LORD,

IT having been announced, on good authority, that two vessels with evident proofs of having been engaged in Slave Trade had been taken off Ilha

Grande by a Brazilian man-of-war, and no notification of the circumstance having been made to the Court, we took occasion to mention it verbally to Her Majesty's Chargé d'Affaires, to whom, on the publication of an official Aviso from the Minister of Marine to the Minister of Justice, calling on the latter to cause the necessary steps to be taken for the trial of the above-mentioned vessels, we wrote the official letter of which we have the honour of enclosing herewith a copy; as also of a letter we received yesterday from Mr. Ouseley in reply, and of our rejoinder.

We do not forward copies of the Enclosures in that gentleman's letter, taking it for granted that your Lordship will have received them direct from himself.

We have only to add that we respectfully, but anxiously, wait your Lordship's decision on the point in question.

We have, &c.,
(Signed) GEORGE JACKSON.
FREDERICK GRIGG.

The Right Hon. Viscount Palmerston, G.C.B., &c. &c. &c.

First Enclosure in No. 222.

Her Majesty's Commissioners to Mr. Ouseley.

SIR, *Rio de Janeiro, January* 15, 1841.

WE have already had the honour of communicating with you, confidentially, respecting the two vessels recently taken by the Brazilian man-of-war "*Primeiro de Abril*," in the neighbourhood of Ilha Grande, on suspicion of having been engaged in the traffic of slaves, and which, we stated, we had good reason for believing it was not the intention of the Imperial Government to bring before the Mixed Commission for adjudication.

We beg leave now to call your attention to the enclosed Aviso, which, being dated so long back as the 2nd inst., would seem to confirm our impression.

It is for you, Sir, to decide whether any, or what steps should be taken in a case where both the principle of our Slave Trade Treaties, and eventually, perhaps, the pecuniary interest of Her Majesty's Government, are concerned. Should you think any representation to the Brazilian Government expedient, the successful application of Mr. Fox, in the year 1834—*vide* Nos. 106, 107, 111-113; pages 141, 157, Class A., presented in 1835, in the case of two vessels, with regard to which the same backwardness on the part of the Brazilian Government appeared—you may, perhaps, Sir, consider as affording a promising precedent.

We have, &c.,
(Signed) GEORGE JACKSON.
FREDERICK GRIGG.

W. G. Ouseley, Esq., &c. &c. &c.

Second Enclosure in No. 222.

Mr. Ouseley to Her Majesty's Commissioners.

GENTLEMEN, *British Legation, February* 21, 1841.

WITH reference to the subject of your official letter of the 15th January last, I enclose, for your information, copies of a correspondence which has taken place between Her Majesty's Legation and the Brazilian Government.

You will perceive that, before the receipt of your letter of the 15th January, I had addressed the Brazilian Minister of Foreign Affairs respecting the two vessels detained by the "*Primeiro de Abril*;" indeed, previously to the date of my note (13th January) it had been the subject of personal communication, at which time the minister stated that he was completely uninformed as to the matter in question.

I do not forward copies of some other notes which passed relative to these captures, as their object was on my part merely to remind the Minister for Foreign Affairs of the application that I had made, and on that of his Excellency to say that no answer had (up to the date of his note of the 18th instant) been received from the proper quarter.

I should be obliged by your not entirely losing sight of this matter; and should you be enabled hereafter to furnish me with any information, or to suggest any steps to be taken respecting it, I should gladly avail myself of your assistance.

I have, &c.
(Signed) W. G. OUSELEY.

The British Commissioners, &c. &c. &c.

Third Enclosure in No. 222.

Her Majesty's Commissioners to Mr. Ouseley.

SIR, *Rio de Janeiro, February* 23, 1841.

WE beg to acknowledge the receipt of your letter of the 21st instant, enclosing copies of a correspondence which has taken place between Her Majesty's Legation and the Brazilian Government,

respecting the two vessels detained by the "*Primeiro de Abril*," and to thank you for the communication of these documents.

The sentence of this Court in the recent case of the canoe, taken also by that vessel, proceeded on the same principle as the note of the Brazilian Minister for Foreign Affairs of the 18th instant.

From that principle, Sir, you are aware that Her Majesty's Commissary-Judge strongly dissented.

Your course, with reference to the present question, will naturally be guided by your own view of the correctness or incorrectness of the principle put forward; but the grounds of such dissent having been fully stated in his votes on that occasion, we are not aware that we can furnish you with any information, or suggest any steps practicable for the present. The ultimate decision must depend on what shall be determined to be the true construction of the treaty; which is the more important because not only is the reply of the Brazilian Minister contrary to precedent on several occasions, but it is evident that, if persisted in, the chief co-operation Great Britain can look for on the part of the Brazilian marine becomes valueless—namely, the intercepting slave-vessels along these coasts; and that, too, even in the case of slaves being found on board; for that circumstance would in no way affect the principle.

We have, &c.
(Signed) GEO. JACKSON.
FRED. GRIGG.

W. G. Ouseley, Esq.,
&c. &c. &c.

No. 223.

Viscount Palmerston to Her Majesty's Commissioners.

Foreign Office, April 22, 1841.

Circular, sending Treaty with Hayti.

(See No. 12.)

No. 224.

Viscount Palmerston to Her Majesty's Commissioners.

GENTLEMEN, *Foreign Office, April* 29, 1841.

I HAVE received your several Despatches of this year up to that of the 24th of February last.

I herewith transmit to you, for your information, a copy of a letter which I have caused to be addressed to the Secretary to the Admiralty, respecting the conduct which the Lieutenant commanding the "Crescent," and the Surgeon attached to that ship, are alleged to have pursued in the case of the individual Boisson, master of the slave-vessel "*Asseiceira.*"

I am, &c.
(Signed) PALMERSTON.

Her Majesty's Commissioners,
&c. &c. &c.

Enclosure in No. 224.

Mr. Backhouse to the Secretary to the Admiralty.

SIR, *Foreign Office, April* 29, 1841.

I AM directed by Viscount Palmerston to transmit to you the accompanying copies of Despatches from Her Majesty's Commissioners at Rio de Janeiro, respecting the custody of persons who, having been taken to that port in Brazilian slave-vessels, have been removed to the receiving-ship "Crescent," to await the adjudication of the slave-vessels to which they belonged.

Referring you to the letter from Mr. Strangeways, dated the 31st December, 1839, suggesting that the Lords Commissioners of the Admiralty should instruct the commanding-officer of the "Crescent" to conform to such directions as he may receive from Her Majesty's representative at Rio de Janeiro, in respect to the performance of the details of the particular service for which the "Crescent" is to be stationed at Rio, I am to request that you will draw the attention of their Lordships to the conduct which Lieutenant Donellan, commanding the "Crescent," is alleged to have pursued with regard to an individual named Boisson, master of the slave-vessel "*Asseiceira,*" placed under Lieutenant Donellan's custody during the adjudication of that vessel on a charge of illegal Slave Trade.

I am further to request that you will move the Lords Commissioners of the Admiralty to call upon Lieutenant Donellan to explain the circumstances of his having to communicate with Boisson on board the "Crescent" during the process of adjudication; and I am to state the opinion of Lord Palmerston, that if the explanation of Lieutenant Donellan upon this matter should not prove to be satis-

factory, it will be expedient for Her Majesty's service that that officer should be removed from the command of the "Crescent;" and that some other officer, whose strict execution of his duty may be more confidently relied upon, should be appointed in his stead.

I am also to request that you will state to the Lords Commissioners of the Admiralty that the medical certificate which, it is alleged, the Surgeon of the "Crescent" gave in the case of the individual Boisson does not appear to Lord Palmerston to be entitled to attention, because it is extremely improbable that so aggravated a case of dropsy as that document describes should have come on in the course of a few days; and I am to request that you will state to their Lordships that it appears to Lord Palmerston that, unless the Surgeon can furnish a satisfactory justification of that certificate, it would be desirable for Her Majesty's service that he also should be removed from the "Crescent," and that another medical officer should be appointed, whose reports may be more to be relied upon.

I am, &c.

The Secretary to the Admiralty,
&c. &c. &c.

(Signed) J. BACKHOUSE.

No. 225.

Her Majesty's Commissioners to Viscount Palmerston.

Rio de Janeiro, March 10, 1841.

MY LORD, (*Received May* 7.)

WE have the honour to forward to your Lordship, in this Despatch, the sentence of the Court in the case of the "*Asseiceira,*" condemning that vessel as good prize to Her Majesty's brigantine of war "Fawn," emancipating the surviving slaves taken on board the same, and declaring all the parties, Brazilian subjects, implicated in the adventure, to have incurred the penalty of the First Article of the Convention of the 23rd of November, 1826.

Respecting the emancipation of the Africans no difficulty occurred, and none that proved eventually insuperable with regard to the condemnation of the vessel; but all the endeavours of Her Majesty's Commissary Judge failed to induce his Brazilian colleague to join him in considering the individuals concerned in the adventure as guilty; and having in vain urged upon him the arguments recorded in his vote of the 12th of February, he was compelled to call for arbitration.

From our report of the case, herewith subjoined, your Lordship will learn that on this occasion the lot fell on Her Majesty's Commissioner of Arbitration; that that gentleman gave his first decision on the 15th ultimo, and that, having subsequently heard the evidence of the two notaries public, deputed by the Imperial Government to examine the handwriting of certain documents, on which he considered the evidence of the parties implicated materially to depend, he presented his final vote on the 1st instant.

From the answer given by the Portuguese Consul to the official inquiry of the Court, it appears that precisely the same course was followed with regard to the "*Dous Amigos*" as was practised with the "*Asseiceira,*" viz., that she sailed with an old passport, given in Quilimane in 1837, to which the Portuguese Vice-Consul residing here affixed a visa, declaring it to be good only to the first port, and that it was there to be cancelled.

For greater precision we have the honour to enclose herewith a copy and translation of the letter of the Vice-Consul to the Registrar of this Commission on this subject.

We have, &c.

(Signed) GEORGE JACKSON.
FRED. GRIGG.

The Right Hon. Viscount Palmerston, GC.B.
&c. &c. &c.

First Enclosure in No. 225.

(Translation.) *Sentence.*

Rio de Janeiro, March 8, 1841.

THE present proceedings being seen and examined respecting the detention by Her Britannic Majesty's brig of war "Fawn," of the Portuguese brig "*Asseiceira,*" on the 31st day of December, 1840, off the island of St. Sebastian, there having been found on board of her 332 Africans; the first con-

sideration which occurs is the illegality of the papers with which the brig "*Asseiceira*" was sailing, having only a passport given on the 20th of July, 1838, by Manoel Bernardo Vidal, then Governor of Angola, for a voyage from the port of Loanda to that of Moçambique, touching at Cabinda and at Rio de Janeiro, to the Portuguese brig "*Asseiceira*," of which Antonio de Barros Valente is master, and João Machado Cardozo owner, subjects of Her Most Faithful Majesty, the said document having a "visé" of the Portuguese Vice-Consul in this city, dated 25th of January, 1840, "for a voyage to Santa Catherina, whence she will proceed direct to Lisbon, or to one of the ports of Portugal, where she is to present this passport in order to its being cancelled, and to her providing herself with the ship's papers which the law requires."

With this document the "*Asseiceira*" sailed, in ballast, on the 28th of January, 1840, for St. Catherine's, her captain being Jozé Coelho, where she was joined by a Frenchman, by name João Baptista Boisson, who had sailed from this port in November, 1839, in the brig "*Dous Amigos*," for Goa and Moçambique, which brig had been really forced by stress of weather and her bad state to put back to St. Catherine's, instead of such act being merely a pretext, as is suggested in the argument of the captor's proctor. Immediately after the arrival of the "*Asseiceira*," Boisson appeared before the Portuguese Consul residing there as supercargo of the business of the said brig, and removed the master, Jozé Coelho, and appointed in his place Manso Soares de Noronha, the master of the brig "*Dous Amigos*," which had put back, and received jointly with him, on board of the "*Asseiceira*," the cargo, officers, and crew of the brig "*Dous Amigos*," enrolling himself as first mate and supercargo of the said brig "*Asseiceira*;" and having presented to the said consul the passport above mentioned, he obtained from him a second visa, without referring to, and, in fact, annulling the former visa of the vice-consul at Rio de Janeiro, authorizing a voyage to Goa by Moçambique under the same condition of providing himself with the requisite ship's papers at the first port of his destination.

It is seen that the owners of the "*Asseiceira*" are Jozé Vieira Pimenta, junior, and João Machado Cardozo, Portuguese merchants in this city, and that the same gave a letter of orders, dated Rio de Janeiro, 27th of January, 1840, to João Baptista Boisson, "to go and take the command of the brig '*Asseiceira*,' to receive the cargo of the '*Dous Amigos*,' and to follow in every respect the orders of Senhor Jozé Bernardino de Sá."

In this process none of the papers are found with which the above-mentioned brig "*Dous Amigos*" was sailing, nor does it appear who was her owner, nor what contract he made, nor on what conditions he freighted his ship; Boisson merely declaring that he made his agreement with the captain who remained behind at Quilimane, that is, with the identical Noronha whom he had himself appointed. But by a letter, dated Rio de Janeiro, the 2nd of November, 1839, signed with the initials J. B. S., and addressed to other initials, Senhor J. B. B., (which, combined with other letters, and, even by his own avowal, prove to designate the same João Baptista Boisson,) it is seen that this person, who was then in this city, and on the eve of sailing in the "*Dous Amigos*," went charged with all these affairs, and carried with him an invoice of goods laden in the said brig, amounting to 47,699,880 reis; and by another letter bearing the same initials, dated Rio de Janeiro, 25th of January, 1840, addressed, at full length, to Senhor João Baptista Boisson, Santa Catherina, it is further seen that he (Boisson) was, in fact, to receive the cargo lying there, with the invoice which he had already on board, and that he was to proceed on the projected voyage, transshipping the entire cargo and all the crew on board of the "*Asseiceira*."

This same letter expresses that Boisson is the only person to whom the writer of the letter gives orders, and, therefore, that he (Boisson) has full authority, even to the discharging of the officers, if he should think it necessary; that he was to dispose of the entire invoice; that the orders of the writer are alone to be executed, even though other persons, such as Pimenta or Machado, should write to him; and that the merchandise is to be of the best, though, if the small packages should make much difference, as is to be expected, being good merchandise, he should purchase, but that he should always prefer the larger.

Instead of going to Goa, Boisson, under pretence of contrary winds and currents, put into Quilimane, in the beginning of June, and there he immediately proceeded to sell the cargo, as appears by the petitions made by himself to the authorities of Quilimane.

That this proceeding had no other object than that of shipping Africans, is proved by the fact of their being found on board, having been embarked at the bar of Quilimane, although Boisson asserts that this resulted from the disobedience of the master Noronha, an assertion which is abundantly disproved by the receipt which the said Noronha gave to Boisson on the 18th of June, 1840, for his pay up to that day, when he declares himself to be satisfied and discharged from the brig "*Asseiceira*."

That the "*Asseiceira*" was intended from the first to return with Africans is evident, as well from the above-mentioned allusion to the nature of the packages ("fardos") with which Boisson was to supply himself, as from there having been found in his writing-desk an instruction addressed to him, in the same hand-writing as that of the above-mentioned letter of the 26th of January, 1840, "with a particular recommendation that it should be opened on the return," pointing out to him the places on the coast, near Rio de Janeiro, which he should make on his return voyage, as also those places which he should avoid, in case he should find cruizers on the coast.

The criminality of the brig "*Asseiceira*" being thus proved, it is evident that the allegations of the proctor for the owners, in which it is attempted to prove that they have incurred no responsibility, and that no blame whatever can be imputed to them in this transaction, are unfounded, although they present a copy of the letter of orders given to the supercargo Boisson, recommending him neither to allow nor to put on board of his ship any article prohibited by law, this letter being of the very same date as that by which the same owners place their brig under the orders of another person. Qui facit per alium facit per se, is a maxim not less recognised than that which is invoked in favour of the owners, viz. "that the innocent ought not to suffer for the guilty."

It now remains to ascertain who are the parties interested in this adventure, besides those above mentioned. By the manifest and by some bills of lading of the cargo of the brig "*Dous Amigos*," reshipped at Santa Catherina on board of the brig "*Asseiceira*," it appears, at first sight, that the shippers on board of that brig are 14, whose names are given in the manifest itself; but, on examining the business with care, it is discovered that these same goods, with a slight addition, belonging to a passenger, and also 250 barrels of gunpowder, which are found in the invoice, although they are not mentioned in the manifest which was passed before the Portuguese Consulate at Rio de Janeiro,

are all included in one single general bill of lading, signed by the captain Noronha and by João Baptista Boisson, as having been laden at Rio de Janeiro by Jozé Bernardino de Sá, to be delivered to the same Boisson. This identity is proved, not only by comparing the marks, numbers, and description of the goods with the bills of lading of the supposed shippers, and with the invoice spoken of in the two letters of the 2nd of November, 1839, and 26th of January, 1840, but also by the handwriting of the last-mentioned letter, and of other documents, notwithstanding that the notaries public, Castro and Pires, deputed by the Imperial Government to examine these documents, did not venture to say whether those bills of lading are or are not written by the same hand, finding therein, as they expressed themselves, similitude and some dissimilitude. It is true that Boisson declares that the two letters above mentioned do not refer to the brig "*Asseiceira*," but to a business which had been proposed to him and which he had rejected; this subterfuge, however, is not deserving of the least credence, considering the dates and the particulars therein detailed and the numerous contradictions involved in his deposition, neither is his declaration more so, that, although he went as chief pilot and supercargo of the two brigs, "*Dous Amigos*" and "*Asseiceira*," he gave up those employments after his arrival at Quilimane, and that he returned merely as a passenger, having for that purpose provided himself with a passport, on the 9th of September, 1840, from the Governor of Quilimane, authorizing him to proceed to Rio de Janeiro in any vessel which might suit him, at the same time that we find in this process a receipt given to him on the 28th of October of the same year, by Pedro Jozé de Morãels, the individual who was charged with collecting the blacks at Quilimane, for the cost of planks and other articles fit for their reception.

Seeing what has been set forth, the Commissary Judges declare the detention of the Portuguese brig "*Asseiceira*," the property of merchants of this place, to be lawful, and adjudge the same as a good prize to Her Britannic Majesty's brig of war "Fawn," John Foote commander (Her Britannic Majesty's brig "Partridge" being in sight at the time), and condemn her, with all the cargo on board, in conformity with the Additional Convention of the 28th of July, 1817, with that of the 23rd of November, 1826, and with the Instructions of 1835, excepting the Africans, being this day 323 in number (7 having died and 2 having escaped since the capture), whom they declare to be free and emancipated, to be placed at the disposal of the Government of His Majesty the Emperor, in conformity with the Seventh Article of the Regulation annexed to the said Convention of 1817; and they further declare, in virtue of the aforesaid Convention of 23rd of November, 1826, the undermentioned individuals to have incurred the penalty of the First Article of the same Convention, that is to say,—

João Baptista Boisson, naturalized Brazilian subject, alias João Baptista Carlos Manoel Deschelette Boisson, as he is styled in the letters of naturalization, which he presented.
Jozé Bernardino de Sá.
Manoel Martins Machado, and
Amancio Nunes, an apprenticed youth in the muster-roll.

(Signed) GEO. JACKSON.
FRED. GRIGG.

João Pereira de Souza overruled as to the criminality of the individuals.

(A true copy.)
(Signed) BRAZ MARTINS COSTA PASSOS,
Secretary.

(A true translation.)
(Signed) JOZE AGOSTINHO BARBOZA, Jun.,
Interpreter to the Commission.

Second Enclosure in No. 225.

Report of the Case of the Portuguese Brig "Asseiceira," *taken on the* 31*st December*, 1840, *off St. Sebastião, by Her Majesty's Brigantine* "*Fawn*," *with* 332 *slaves on board.*

This brig sailed from Rio de Janeiro on the 28th January, 1840, in ballast, for St. Catherine's and Lisbon, with no other ship's papers or passport than one from the Governor of Angola, of July, 1838, *viséd* by the Portuguese Vice-Consul at this port, authorising such a voyage, and making it incumbent upon her to present the old passport at one of the ports of Portugal, with a view to its being cancelled, and the legal documents obtained.

For the clear understanding, however, of this case, it is necessary to notice the proceedings of another vessel, also Portuguese, which sailed from hence on the 3rd November, 1839, called the "*Dous Amigos*," with a full cargo for Gôa and Moçambique, but which, proving to be unseaworthy, put into St. Catherine's.

The supercargo of the "*Dous Amigos*," a Frenchman, of the name of João Baptista Boisson, on the arrival of the "*Asseiceira*" at St. Catherine's presented himself to the Portuguese Consul at that place, and declaring himself to be appointed to the "*Asseiceira*," in the same capacity, and in virtue of full powers which he had from her owners, transhipped everything belonging to the "*Dous Amigos*," cargo and crew, on board the former, obtained a second *visa* from that functionary, authorising a voyage to Gôa and Moçambique instead of to Lisbon (but with the same conditions), and sailed at once for the coast of Africa, where, under pretext of bad weather, &c. he put into Quilimane, discharged and sold his cargo, and took on board off the bar of that port on return upwards of 320 Africans, with the intention of landing them on these coasts; but being met with by Her Majesty's brigantine "Fawn," on the 31st December, 1840, off St. Sebastião, she was detained and brought into this port on the 14th January, 1841.

On the 16th, 18th, and 19th January, Lieutenant Foote brought into Court the papers belonging to and found on board the "*Asseiceira*," with his respective declarations, and having ratified the same on oath, and presented Mr. W. C. Marshall (mate of Her Majesty's brig "Partridge," and witness to the capture) in charge of the prize, the usual monition was issued, according to the forms of this country, and the examination of the witnesses commenced on the latter day, and terminated on the 6th February, having occupied a longer time than usual, from the number of witnesses to be examined,

and from the interruption of the proceedings by the incident reported in Commissioners' Despatch of the 8th February, 1841.

The first witness, João Antonio da Silva Mellão, swore that he was a subject of Portugal, native of Oporto; that he gains his living by seafaring; and, on being asked what situation he held on board this vessel, answered, that, being ill at Quilimane, and in penury, he asked for a passage from João Baptista Boisson, first pilot and supercargo of this vessel, and that then Boisson told him that he would give him a passage on condition that he would despatch the vessel as master of her, which he, deponent, agreed to, in consequence of his poverty; that he had no previous acquaintance with Boisson, but that on that person's arrival at Quilimane in June last, he went to him and was received at his table, and that as the time of his departure approached his passage was settled on those terms; that, as he learned from the ship's papers at the moment of his capture, the owner of her was João Machado Cardozo, but that he does not know who that individual is; that the Africans on board were shipped at the site of the signal-staff, three or four leagues distant from the town of Quilimane, and that he knew that they were to be shipped the evening before his leaving that port, and that they were destined for the shores of Rio de Janeiro, because he had requested a passage to that place; but that he does not know on whose account the slaves were shipped; that he had been seven months at Quilimane; that he went there from Pernambuco in the bark "*Veriato*," which was not employed in the traffic in slaves, but was taking her owner and his family to Gôa, and was wrecked to the north of the bar of Quilimane; that he came to Brazil for the first time in January, 1830, where he remained two years as a clerk in a house at Bahia; thence he returned to Lisbon and Oporto, in which latter city he stopped nearly a year in the house of his father, who kept a preparatory school; and from that time deponent has continued at sea, learning seamanship, and making different voyages to the ports of Europe and of South America; that he left Quilimane in the month of November, but that he does not know on what day, not having received or signed any papers, João Baptista Boisson having had the management of everything; that on the voyage he did no duty, coming as a passenger; that Boisson, and Venceslão, the second pilot, under his orders, navigated the vessel; and, on being asked whether he had a passport from Quilimane, he replied that on the approach of the capturing boats Boisson delivered to him the papers which he gave up to the (British) officer; and that he did not throw any papers overboard himself, nor see any thrown overboard; that Boisson did not use him very well during the voyage, being constantly finding fault with him, on account of his not keeping watch by reason of his ill health, which Boisson thought was a trick; that there are five passengers on board, three of whom were taken in the brig "*Rapido*" (a vessel said to have sailed with Montevidean colours, but he does not know whence), viz.:—

Jozé da Costa Ferreira Guimaraens;
Manoel Ribeiro de Abreu;
João Jozé Pereira,—all Portuguese subjects.

That besides the "Bozal" negroes there were some "Ladinos," one a cooper, whose master he does not know, and two as passengers.

Being asked by the captor's proctor whether he, deponent, knew how to work a ship, he replied that he understood it tolerably; that he had sailed as an officer in the brig "*Leão*," from Oporto to Rio de Janeiro; that he kept his watch by himself in that vessel, but that the captain had not much confidence in him; that in the barque "*Veriato*" he served as apprentice and third pilot; that when the brig "*Asseiceira*" struck on the bank on leaving Quilimane he gave no orders whatever, and that none but João Baptista Boisson, the second pilot and the mate, did so.

The second witness, Venceslão Joaquim da Silva, swore that he was a Portuguese subject, native of Lisbon, a seafaring man, and second pilot of the brig "*Asseiceira*;" that João Gomes Machado, a resident in this city, and whom he knows by sight, is the owner of this vessel, and that he made his agreement with him here, and took charge of the vessel at St. Catherine's, whither he proceeded in a smack called "*Maria da Gloria*;" that the voyage from St. Catherine's was to Gôa, touching at Moçambique, and that they put into Quilimane for provisions to continue the voyage, but that the supercargo, meeting with an opportunity of disposing of his goods there, did not proceed further; that he, deponent, did not know that the vessel was to carry Africans till they were shipped off the bar of Quilimane, about four leagues from the city, at nine o'clock in the morning; that they were on account of one Pedro Morães; that after he had set sail, he knew that the vessel was destined for Rio de Janeiro; that he believed that the brig had a passport from Quilimane; that he, deponent, has been in Brazil since 1826, making voyages to different parts of the coast, but that this is the first time that he ever went to any part of the coast of Africa; that he never stopped at Rio de Janeiro longer than to unload and load the vessels in which he served; that sometimes they were consigned to himself, and sometimes that the pilot or master were the owners; and that on one occasion only he had any concern with a commercial house in this city, that of João Soares Gomes; that he, deponent, did not apply to João Gomes Machado to make an agreeement, but that Machado came to him; that he does not know where he lives, nor the nature of his business, and that he transacted his business with Machado on the exchange; that his agreement was for one conto two hundred milreis for the voyage out and home to Gôa, touching at Moçambique; that this agreement was in writing, but that he had lost his copy of it, and that he had received no money on account; that it was made in February, 1840; that he had entered in the brig "*Dous Amigos*" in the month of November, with the same destination, to Gôa and Moçambique; that he does not remember who was the owner of the "*Dous Amigos*;" and that his agreement was with the supercargo, João Baptista Boisson, who went with him to St. Catherine's, the terms being the same as those he subsequently engaged for with João Gomes Machado; but that this agreement was not in writing, but verbal; that the master of the "*Dous Amigos*" was Emancio Soares de Noronha, who went as far as Quilimane, where he remained, and where he, deponent, saw him, shortly before his departure, very unwell, his place being supplied by João Antonio da Silva Mellão, in consequence of some disagreement between the former and the supercargo Boisson; that the reason of his, deponent's, leaving the "*Dous Amigos*," and changing into the "*Asseiceira*," was on account of the former having become leaky, when he returned from St. Catherine's to Rio de Janeiro; that he, deponent, had nothing to do with, and knew nothing of, the clearances from Quilimane, which was a business entirely between the master and the supercargo; and that on the voyage it was the supercargo Boisson who navigated the vessel, and that neither Noronha on the outward, nor Mellão on the homeward, voyage, took any part in the navigation; that deponent did not know to whom the outward cargo for Quilimane belonged, and that he had no in-

terest in either the outward or homeward cargoes; nor could he say whether they were insured. Being referred to the decrees of the Queen of Portugal, and to the laws of Brazil, prohibiting the traffic in slaves, he, deponent, replied that he was ignorant of the former, but not of the latter, and that his coming in this brig was because there was no other vessel for this place, although the supercargo, Boisson, told him on the eve of her sailing that she was to bring Africans; and on his remonstrating, replied, that if he did not like it he might remain behind; when no other vessel offering, and being without means, he came in her. That of the passengers on board, one only had sailed in this brig from hence, whose name is Manoel Jozé Martins Machado, but that deponent does not believe this individual to be any relation to João Gomes Machado. The third witness, Manoel Martins Machado, swore that he was a native of Oporto, but a subject of Brazil; that he was a passenger on board of this vessel from Quilimane, where, being a travelling merchant, he arrived from Pernambuco in the barque "*Veriato*," which was lost on a bank before reaching Moçambique, and where he staid a twelvemonth, not finding any vessel leaving that port with a licit cargo; and the Africans on board this vessel, which he heard was the property of some one at Quilimane, but he did not know whom, having been received only at the bar; the latter, he understood, belonged to different persons at Quilimane, he himself having no interest whatever in the same. That he knew the vessel was bound to Rio de Janeiro; that during the voyage Boisson and the second pilot navigated her; that he paid a hundred dollars for his passage to the consignee at Quilimane, but that he took no receipt for the same, the consignee being a resident at that place. That he had formerly a correspondent at Rio de Janeiro, called Manoel Jozé da Rocha, but that this person had since left this city for Oporto. That he was not in the habit of frequenting the coast of Africa, this being the first time, when being on his way to Goa he remained at Quilimane, having been wrecked before reaching Moçambique, and there being no other vessel in which to proceed to his destination; and that he constantly remained there from October, 1838, till the sailing of this brig "*Asseiceira*," on the 3rd or 4th November last. On being asked whether there now existed on board the "*Asseiceira*" any individual who was with him on board the barque "*Veriato*," he replied that he did not know that there was; and being again asked whether he had not seen Mellão, who now figures as captain of the "*Asseiceira*," on board the barque "*Veriato*," he said he did not recollect; and being told that Mellão stated the shipwreck of the "*Veriato*" to have taken place to the north of the bar of Quilimane, and not near Moçambique, as he deposed, replied that he was no seaman, and could not say more than that the wreck took place not far from Quilimane. That when he left that town he took out a passport, which he kept in his trunk, which has been returned to him since anchoring in this harbour broken open and without the passport.

In reply to questions put by the captor's proctor, this deponent declared that he did not know the vessel "*Dous Amigos*;" that he was not at St. Catherine's in the beginning of the year 1840; that he saw the brig "*Asseiceira*" for the first time at Quilimane, and that he does not know which of the passengers now on board of the "*Asseiceira*" went in her hence to the coast of Africa. That they took five and a half dollars from him at the time of capture, three of which they have since returned to him on board of the hulk, admitting that he has no correspondent at Rio de Janeiro, that he is destitute of all means, and that he came hither on account of his health, having no resources at Quilimane; and being asked why, there being a real captain on board, by name Boisson, the vessel carried a fictitious one, he replied that he did not know.

The fourth witness, Jozé Gomes Machado, swore that he was a Portuguese subject, native of Oporto, a sea-faring man, and now boatswain on board of the brig "*Asseiceira*;" that he left this in the brig "*Dous Amigos*," and put into St. Catherine's when he transhipped into this; that her destination was Goa, but that having touched at Quilimane for water, and stopping there nearly five months, the captain sold his goods and remained there. That the name of the captain was Manoel Soares de Noronha, and that having some disagreement with the pilot, he delivered the vessel to the correspondent there, Pedro Jozé de Morães; that he, deponent, made his agreement on board the "*Dous Amigos*" when he sailed hence in that vessel with the captain who remained behind; that he was to receive per month as much as was given by any other vessel having the same destination; that the consignee put in the place of the aforesaid captain João Antonio da Silva Mellão, and that Venceslão navigated the vessel. That he did not know who was her owner, the captain who remained behind figuring as such; that the blacks were put on board by the consignee, Morães, within the port, in front of the governor's house, but that he does not know on whose account, nor does he know that any passenger on board has any interest either in the vessel or in the cargo, and that having no means of conveyance and being ill, he availed himself of this vessel. That the first pilot, João Baptista Boisson, the second pilot. Venceslão, and a part of the crew still on board the "*Asseiceira*," sailed with him in the "*Dous Amigos*," which left Rio de Janeiro with a full cargo, but without any passengers, and that the whole were transhipped on board the brig "*Asseiceira*," in which no boiler or other object indicating employment in the Slave Trade then existed, and that these articles were taken in at Quilimane; that the agreement he made at St. Catherine's was the same he had made originally with Noronha; that the latter remained behind at Quilimane, where he saw him the day before he sailed. That he, deponent, has been in Brazil upwards of 20 years, but that since 1814 he has always led a sea-faring life; that during the time of the trade being licit he made voyages to the coast of Africa, the last time being in 1827; that on the voyage from St. Catherine's to Quilimane Boisson navigated the vessel; that the captain had the management on board, and that on the home voyage she was navigated by the pilot Venceslão, and was under the orders of the captain, Mellão, both of whom gave their orders when the vessel struck on the bank on leaving Quilimane; the deponent persisting in this statement after having been shown the depositions of the last-mentioned witnesses, declaring that Boisson navigated the vessel, and that he did not know Boisson previously to this voyage, though he might have seen him.

Being called upon by the captor's proctor to explain how it happened that Boisson, if he was not the captain, had the papers in his possession which he delivered to Mellão when the captors boarded, he replied, that the latter having no trunk he had given them to Boisson to keep for him, and that he, Mellão, received them from him at the moment of capture; that the orders to unload the vessel were given to him as boatswain by Captain Noronha, who, with Morães, sold the cargo, part of it being in the factory where the officers of the vessel resided, and that the order to receive the Africans was given by Morães, who sent on board the planks and other appurtenances.

The fifth witness, João Pedro, swore that he was a free black, subject of Portugal, and native of

Cape Verds, a sea-faring man, and now a sailor on board the brig "*Asseiceira.*" After being examined as to the nature and obligations of an oath, deposed, that five years ago he came first to Bahia from the island of St. Jago, where his relations are living; that he has since made several voyages to different ports of the empire; that he shipped on board this brig at St. Catherine's, having sailed thither hence in the brig *Dous Amigos;* that he made his agreement here for a voyage to Goa with João Baptista Boisson, at 20 milreis a-month, and renewed the same with him at St. Catherine's; that this was his first voyage to the coast of Africa, and that in those before spoken of his wages were from 8 to 12 milreis per month, the latter being the highest wages he had ever before received; that he did not know that this vessel was to bring slaves, her destination being to Goa; that on the sailing of the "*Dous Amigos*" there were on board Noronha, as flag captain; João Baptista Boisson, who commanded as captain; Venceslão, the pilot; and Jozé Gomes Machado, the boatswain, besides the passenger Machado, now a prisoner on board, and who has been before this Commission. That the boilers, &c., were not taken on board at St. Catherine's, but at Quilimane, where Noronha remained, and whom he saw two days before sailing from the latter place. That on the return voyage Mellão kept watch under the orders of Boisson, but never by himself.

To questions put by the captor's proctor, deponent said that the passenger Machado, while on shore, lived with the officers of the vessel, which he knew from having often been at the house where they were residing; that the boatswain took account of the slaves, and that the passenger Machado had nothing to do with them, nor did he know any one on board as being their owner.

The sixth witness, Jozé Joaquim da Silva Lisboa, swore that he was a Brazilian subject, and came, as passenger, on board this vessel from Quilimane, where he has been residing for two years for the purposes of trade, having left Rio de Janeiro in November, 1838; and that, being ill, he took out his passport and embarked in this vessel, which he learned only two or three days previously, from the inhabitants of the place, was to bring Africans; and that he did not know to whom they belonged, nor who was the owner of the vessel, having made application for his passage only to the captain, João Baptista Boisson; that this was the first time he had been to the eastern coast of Africa, but that he had made six or seven voyages to the western coast while the trade was lawful, the last being in 1829; that João Baptista Boisson commanded on board the vessel, and that Mellão only occasionally kept watch under Boisson's inspection.

In reply to the captor's proctor, this deponent said that he did not know what business Boisson was transacting in the factory ashore; that he had sold some of the cargo of the "*Asseiceira,*" but that he could not say for certain that the slaves were the product of such sale.

The seventh witness, Pedro, an African—"ladino,"—native of the coast of Mina, slave for the last 14 years of Antonio Alvares Aveiro, residing in the Prainha Street in this city, a cooper, himself working in that trade, declared that he sailed by order of his master in this brig; that her captain was a Frenchman of the name of Boisson; that he did not know when he sailed that it was to bring Africans, and that they were received on board in the port.

The eighth witness, Frederic, a black, native of Quilimane, slave of Pinto Rosa, residing in Alecrim Street in this city, formerly a captain of vessels bound to the coast, declared that he was cook for the after-cabin; that he did not sail from hence in this vessel, but in the brig "*Lealdade,*" which was lost in leaving Quilimane six months ago; that the Africans had been on board this vessel some seven days before she left the port (Quilimane); that he had been in the constant habit of going to and from the coast of Africa, sometimes to Quilimane, and sometimes to Angola.

The ninth witness, Amaro, black, native of Angola, slave of Firmo Antonio, residing at Praia Grande, near this city, declared that he was cook on board this brig, but that he did not sail in her from hence, but in the brig "*Lealdade,*" which was lost on leaving Quilimane.

The tenth witness, Jozé da Costa Ferreira Guimarães, swore, that he is a native of Guimarães, a Portuguese subject, and travelling merchant; that he came passenger in this brig, and paid to Boisson 100 dollars for his passage; that his residence was Rio de Janeiro and Monte Video, and arrived in this city in the English packet "Spider;" that he cannot remember at what period of the year, but that he remained here till he left in January or February, 1840, for Angra dos Reis and Paranagoa; that he sailed thence for Manilla in the Oriental brig "*Rapido,*" and that being overtaken by a storm off the Cape, the brig became leaky and the mainmast was found to be rotten, on which account they bore up for Moçambique, and were then met in that channel by the English brig-of-war "Curlew," Commander Rose, who captured them on the 22nd of June last, and meeting with the Portuguese brig-of-war "*Cassador Africano,*" put them on board that brig on the 27th of the same month, which landed the deponent at Quilimane, where he remained till the sailing of this vessel on the 4th of November, on which day he knew they were to bring Africans; that he did not know on whose account, but that he heard that it was Boisson who conducted the whole transaction; and that on his (deponent's) arrival he saw only a small remnant of the goods sold by that individual, from whom he himself bought some things for his own use; that the 312 half-doubloons on board in his name belong to him, being the proceeds of some jewels which he saved at the time of capture, not having been so shamefully handled at that time as he was by the Patacho "*Fawn,*" having been threatened to be gagged on attempting to cry out, and swords placed at his breast. Being interrogated as to the reason why he had been threatened, as he stated, by the captors, he acknowledged that it was on account of his refusing to deliver up the money he had upon him; and added, that he refused to be searched because Boisson and Mellão had not been searched.

The eleventh witness, Manoel Ribeiro de Abreo, swore, that he was a native and subject of Portugal; that he lived by trade; that he was a passenger on board this brig, and that he had engaged for his passage with João Baptista Boisson for 100 dollars; that he sailed from Paranagoa in the Oriental brig "*Rapido,*" destined for Manilla, and, being obliged to bear up for Moçambique, was taken by an English brig-of-war, who put him on board the Portuguese brig-of-war "*Cassador Africano,*" which latter left him at Quilimane; that he knew the day before he sailed thence that this brig was to carry Africans, and that they were shipped on the Bar on the 3rd day of November, but that he did not know on whose account; that while on shore the affairs of the vessel were conducted by Boisson; that he, deponent, had been twelve years in Brazil, eight of which he had been shopman in different houses at Rio de Janeiro; that he had made several voyages to different parts of the coast of Brazil, but never elsewhere; and that the half-doubloons and some dollars found in his possession belonged to him.

The twelfth witness, João Jozé Pereira, swore that he was a native of Vianna, and a Portuguese

subject, living by trade. This witness gave the same account as the preceding of his capture in the "*Rapido*," and of his being left at Quilimane, where a person of the name of Pedro Morães arranged his passage for him on board this vessel for 90 dollars; he further swore that he had been 11 years in Brazil; that he had never made any other voyage; that he was employed in the stowage of cargoes at this port; and that he went of his accord on board the "*Rapido*," destined for Manilla, taking with him eight half-doubloons and seven dollars, which he brought back (and which had been taken from him), as well as some maté herb, and different goods.

The thirteenth witness, João Baptista Boisson, swore that he was a native of France, but now a Brazilian subject; that he was an officer in their navy, and now mate of a merchantman; that when he sailed from St. Catherine's, where he shipped on board this brig, for Gôa, he went as first mate, having gone thither hence in the brig "*Dous Amigos*," but that on the return voyage he had no employment, and came in her as passenger, having a passport as such; that the reason of his changing from the "*Dous Amigos*" to the "*Asseiceira*" was the former having become leaky, and that the reason of his putting into Quilimane, instead of Gôa, was to procure water and provisions, having met with north-easterly winds and the current strong to the south; that he did not continue the voyage to Gôa in consequence of disobedience of the captain, who would not follow the orders of the owner, João Machado Cardozo, landing there the goods, and determined on sending the vessel back to Rio; that the Africans on board were all on account of persons of Quilimane; that of the goods consigned to him, he had sold a part for the necessary expenses, and that the remainder was left there to be remitted to Gôa; that he did not know what or with whom the present captain made his agreement; that he, himself, had no concern whatever with this brig on her present voyage, and that the depositions of the passengers in this respect were false and malicious; that the adventure from hence was on account of several persons, as appears from the manifest; that the letters, pages 79 and 81, were of João Borges da Silveira, established at St. Catherine's, where he afterwards met him, but who was at Rio de Janeiro when he, deponent, left that city, and that the letter in which mention is made of a passenger who might also like to put some cargo on board in order to divide his shipments, did not refer to the adventure of the "*Asseiceira*," but to a transaction which was offered to him, but which he did not accept, having already undertaken that of the "*Asseiceira*;" and that a paper shown to him, pointing out the spot which they were to make on their return to the coast of Brazil, had no reference to that vessel, and meant nothing at all; that he went from hence in the brig "*Dous Amigos*," as mate, to St. Catherine's, and returned no more to Rio de Janeiro, having agreed with the captain, Manço Soares de Noronha, at Rio, but that he does not know whether the aforesaid Cardozo was the owner of her, believing, but not certain, that she belonged to an individual at Lisbon; that this agreement was in writing, to be regulated by the amount of cargo, his pay as first-mate being 800 milreis for the round voyage, having, as yet, received no part thereof. Being asked how the cargo and crew of the "*Dous Amigos*" came to be transhipped to the "*Asseiceira*," if the owners were not the same, he only replied that his orders were to receive them; that, besides the captain, officers, and crew, no one went passenger in her, nor in the brig "*Asseiceira*," and on being shown the *Jornal do Commercio* of the 4th November, in which, in the departure of the brig "*Dous Amigos*," Manoel Jozé Martins Machado, a Portuguese, was reported as passenger—he replied that he had no knowledge of it, unless he were included in the crew; and on its being again objected to him that he, as first-mate, could not be ignorant of the existence on board of a person which was proved not only by the above returns, but by the depositions also of the second mate and of one of the sailors, he replied that he did not know; that with respect to the brig "*Asseiceira*," he had particular instructions touching at Moçambique to proceed with her to Gôa, and there to receive freight, and return with a cargo of hemp or pepper, or any other goods fit for this country; and that, besides these instructions, he had no other subjecting him to the orders of any one but the owner of the vessel; and on a letter being shown to him from his owner, João Machado Cardozo, directing him to follow, in all respects, the orders of Jozé Bernardino de Sá, he replied, that among the papers there existed a letter from Jozé Bernardino de Sá, with orders to follow those of João Machado Cardozo, and that the former was an agent on the part of the shippers of the other brig to procure a vessel to receive her cargo; that he left the "*Asseiceira*" in August or September, an embargo having been laid on her by the Government on suspicion, which was afterwards taken off; that he landed the goods, and sold part of them to meet the vessel's expenses; that with regard to the "*Asseiceira*" having no passport from Quilimane, this was no concern of his, he having been only passenger, his passport as such being among the papers; and, finally, on reading to him the depositions of the preceding witnesses, five of them passengers on board, all unanimously, with the exception of the boatswain, declaring him, Boisson, to have been the real captain of the vessel, and to have had the entire management of the same, he replied that the testimony was false, and that these very passengers were themselves suspected of owning several of the Africans on board.

The third witness, Manoel Martins Machado, being re-examined, and his former deposition being read to him, and the *Jornal do Commercio* of the 3rd November, as well as a bill of lading, page 22, declared that he adhered to his former deposition, confirming all that he there stated, and that the passenger referred to in the *Jornal do Commercio* and the signer of the above bill of lading was another, viz. Manoel Jozé Martins Machado; and with reference to the depositions of the two witnesses, Venceslão Joaquim da Silva, and the free black, João Pedro, he, deponent, declared that they did not speak the truth.

These two witnesses, Venceslão Joaquim da Silva and João Pedro, being confronted with the deponent Machado, contradicted their former statement, Venceslão asserting that he had made a mistake, and that the Machado then present had not sailed in this brig from St. Catherine's; and the other, that the individual who did go as passenger in her remained behind in Quilimane.

On the 6th February, Her Majesty's Commissary Judge declared his mind to be made up on the case; and his Brazilian colleague, requiring further time for consideration, eventually declared on the 9th that he was ready to emancipate the Africans, but that he did not agree in the further view of the case taken by the British Commissary Judge.

The Brazilian Commissioner of Arbitration having in this process been appointed by his Government to act as Commissary Judge during a temporary absence of Senhor João Carneiro de Campos, it became necessary that another Commissioner of Arbitration should be named *ad hoc*, and on the 11th an aviso was presented from the Minister for Foreign Affairs making that appointment: on the following day the two Commissary Judges gave their respective votes—(*vide* enclosed copies in

original, and translation.) Lots were drawn—and the lot fell on Her Majesty's Commissioner of Arbitration, in consequence of whose decision Jozé Bernardino de Sá, a Brazilian citizen, was informed on the 15th of the existence of certain documents among the "autos" which appeared to implicate him in the adventure of the "*Asseiceira*," and inviting him, if he chose to do so, to name a proctor for the purpose of giving such explanations as he might think proper; and on the same day, with a view to the best elucidation of which the case appeared to be susceptible, the Imperial Government was requested to name two notaries public (according to the usual practice of this country), for the purpose of identifying the handwriting in initials of the supposed shipper of the goods which appeared on certain of those documents.

On the 18th the Frenchman above named, supercargo of the "*Asseiceira*," having declared himself to be a naturalized Brazilian citizen, the Municipal Chamber was written to, to know if his name was to be found in the list. No answer was made to this inquiry till the 1st of March, nor did the notaries public appear till the 27th of February.

On the 1st of March Her Majesty's Commissioner of Arbitration presented his vote, of which the enclosed is a copy.

On the 3rd the Portuguese Consul was called upon to declare whether the owners of the "*Asseiceira*" were Portuguese subjects recognized as such by him; and with what papers the brig "*Dous Amigos*" had navigated; and who were her owners. The answer of the Portuguese Consul having been received on the 4th, and no defence having up to that date been offered by Jozé Bernardino de Sá, the Marshal was ordered to intimate to him that on the following day the proceedings would be closed. On this he presented the defence, of which the enclosed is a translated extract—(the remaining part refers to a pretension of the petitioner not admitted by the Court, and has nothing to do with the case itself);—and on the 8th instant, Her Majesty's Commissioner of Arbitration having definitively given his opinion as to the criminality of this individual, the sentence of the Court was immediately signed by the two British Commissioners, condemning the "*Asseiceira*" as good prize to Her Majesty's brigantine-of-war "Fawn," emancipating the surviving Africans, and declaring such of the parties as are Brazilian citizens implicated in the adventure to have incurred the penalty of the 1st Article of the Convention of the 23rd of November, 1826. This sentence was signed by the Brazilian Acting Commissary Judge as overruled with regard to the criminality of the individuals. The names of the owners—subjects of Portugal—and of those who appeared to be Portuguese and to be involved in this transaction, have been transmitted by him to his Government.

No claim was attempted to be made for the slaves on board the "*Asseiceira*;" but the owners of the vessel claimed to be exempted from any share of criminality in this adventure, on the grounds stated in the annexed translated petition, and which was rejected on the principle asserted in the sentence of the Court.

The captor's proctor presented on the 26th his argument in support of the capture, of which the subjoined is a translation; but left it entirely to the Court to investigate, and to establish the truth of his conclusions.

(Signed) GEORGE JACKSON.
FREDERICK GRIGG.

Rio de Janeiro, March 10, 1841.

Third Enclosure in No. 225.

Vote of the Brazilian Judge.

HAVING examined the process and deposition of the brig "*Asseiceira*," I regret not to be of the opinion of my colleague with respect to Jozé Bernardino de Sá being interested in the negotiation: such cannot be asserted, however the letter of orders of Pimenta and Cardozo to João Baptista Boisson may say that he should submit to the said Sá. This declaration is not sufficient to prove that he had a share in this negotiation, and that he knew of the illicit object to which the brig was destined, since in none of the depositions does his name appear, which is not found implicated except in a bill of lading at page 78 made in his name, which cannot be considered as belonging to this vessel or process, because all the cargo which this brig carried appears in the manifest, and in this were only included 17 bills of lading passed in the names of others, it being impossible that the goods spoken of in the bill of lading at page 78, if they had gone in this brig, should have been omitted in the manifest, or in the landing of the same goods; besides which any one can fill up a bill of lading in the name of another, not wishing his own to appear. In order to prove that it was really Jozé Bernardino de Sá it would be necessary that his signature should appear. The letter of orders proves only that Jozé Bernardino de Sá was simply the agent or correspondent (as Boisson in his deposition actually affirms) between the shippers of the brig "*Dous Amigos*" and the owners of the brig "*Asseiceira*," for the latter to go and receive at St. Catherine's the cargo of the former, and proceed on her voyage. With respect to the two letters found directed to Boisson, with the simple signature of J. B. S., such signature cannot be considered valid, since J. B. S. does not prove it to be that of Jozé Bernardino de Sá, since, as he is a merchant, it is not possible that he should sign himself in a manner different from his commercial usage, nor is it possible that such letters can refer to the "*Dous Amigos*" or "*Asseiceira*," because in none of them are such names found, and because they speak so circumstantially of the names of the "*Triunfo*," the "*Carolina*," &c., and do not even, however slightly, mention those of the "*Dous Amigos*" and "*Asseiceira*," which are those of which this process treats; and Boisson declared positively that they were the letters of João Borges da Silveira, engaging him to undertake the negotiation therein spoken of, and which he rejected.

(Signed) JOAO PEREIRA DE SOUZA.

(A true translation.)

(Signed) JOZE AGOSTINHO BARBOZA, Jun.,
Interpreter to the Commission.

Rio de Janeiro, February 12, 1841.

Fourth Enclosure in No. 225.

Vote of the British Judge.

THE non-agreement between the Commissary Judges which gives rise to arbitration on this occasion being merely what degree of faith should be given to the letters in these "autos," pages 76, 79, and 81, as well as to the declaration of the witness, João Baptista Boisson, the British Commissary Judge will confine himself, for the present, to declare succinctly the reasons that do not allow him to agree with his worthy colleague in rejecting the particulars revealed in the said letters, only because said Boisson asserted that their contents refer to a certain business which was proposed to him, but which he declined, and which consequently did not take effect.

It seems impossible to the British Commissary Judge, from the date of the said letters, as well as from the minute details into which they enter, to credit for one moment this explanation, which in his opinion is nothing more than a mere evasion; nor the declaration made by Boisson in this respect, whose deposition, considering the contradictions it contains, does not deserve, in the opinion of the British Commissioner, the smallest credit in a transaction where the facts recorded speak more loudly than any subterfuges of the interested parties.

(Signed) GEORGE JACKSON.

(A true translation.)
(Signed) JOZE AGOSTINHO BARBOZA, Jun.,
Rio de Janeiro, February 12, 1841. *Interpreter to the Commission.*

Fifth Enclosure in No. 225.

(Translation.) *Vote of British Arbitrator.*

Rio de Janeiro, March 1, 1841.

THE grounds of my vote are the following:—

1st. I cannot give the least credit to the assertion of Boisson, that the letters taken on board of the "*Asseiceira*" refer, not to that vessel, but to another adventure which had been proposed to him, but which he had rejected, not having given any particulars as to the time, or place, or the names of the parties who are said to have made such proposals; Boisson himself having had full opportunity of explaining such adventure, if he had thought fit.

2nd. Though I agree in opinion with the Brazilian Acting Commissary Judge that initial letters, by themselves alone, cannot be taken as proof in lawful transactions, yet that such initial letters may be, and frequently are, used in illicit transactions, particularly when relating to the Slave Trade, as in the present instance; and that, if other circumstances, in such transactions, combine with the use of such initial letters, by an individual appearing to be interested in the adventure, which seems to me to be the fact in the present instance, such initial letters then go far to establish the fact and the very transactions which they were intended to cover.

(Signed) FREDERICK GRIGG.

(A true copy.)
(Signed) BRAZ MARTINS COSTA PASSOS, *Secretary.*
(A true translation.)
(Signed) JOZE AGOSTINHO BARBOZA, Jun.,
Interpreter to the Commission.

Sixth Enclosure in No. 225.

(Translation.) *M. de Sá's Defence.*

To the illustrious Judges of the Mixed Brazilian and English Commission:

THE majority of the Mixed Commission decided that the petitioner should be written to, to name a proctor to examine the documents which appeared to refer to him. What are these documents? How can they compromise or implicate the petitioner? In no way, as he proceeds to prove.

There is a letter from João Machado Cardozo and Co., owners of the brig "*Asseiceira*," in which, giving their orders to the captain or supercargo, they say that he shall follow the orders of Jozé Bernardino de Sá. It is here right to explain how the name of the petitioner appears: he was nothing more than the intermediary between the owners of the vessel and her shippers for the purpose of arranging the sailing of the "*Asseiceira*" for St. Catherine's, to take the cargo of the "*Dous Amigos*," for which object full powers had been given to him by a friend of his at St. Catherine's, in consequence of the "*Dous Amigos*" having been there condemned as unseaworthy; and the cargo being on shore without finding a vessel, the petitioner not concerning himself with anything further regarding this vessel, nor with her voyage, licit or illicit.

The subjoined declaration of the owners sufficiently proves this point, as also the copy of a letter annexed. How then can this simple letter, thus explained, implicate the petitioner? And what other document is there which speaks of his name? Is it the bill of lading?

In the first place this proves nothing, because a bill of lading may be passed in the name of any individual, without such individual having any knowledge of, or part in it, and this is the case of the petitioner.

In the second place it is to be observed that this bill of lading, although it speaks of the "*Dous Amigos*," says nothing of the "*Asseiceira*," since all the cargo which this brig carried, and which she landed at Quilimane, as is seen by her papers, is included in the manifest, legally certified, and this manifest agrees perfectly with the 13 bills of lading; the fact being that the same goods mentioned in this detached bill of lading were not found or shipped on board the "*Asseiceira*;" and if they had, they would have been declared in the manifest, as those of the other bills of lading found on board, and this bill of lading would not have remained detached, but with the others annexed to the

same manifest. We may observe that so true is this, that the depositions of the witnesses make no mention whatever of the name of the petitioner; and Boisson, who is the only one who speaks of him, and who, on account of having received that letter of orders from the owners, should be cognizant of the business, asserts the same which the petitioner has just alleged, viz., that he only acted in the name of his friend at St. Catherine's, being particularly requested to speak to, and arrange with, Cardozo and Company the departure thither of the "*Asseiceira*" to take the goods of the "*Dous Amigos*," which was in fact done, he being an entire stranger to all the rest of the business.

Besides, then, this letter of orders, and this detached bill of lading, which can in no way implicate the petitioner, there is nothing else which appears to refer to him; nor can the two letters, signed J. B. S., which the petitioner declares not to be signed by him, nor even to be known to him; and, in this respect, it is right to attend to what Boisson says in his deposition, that they were those of one João Borges da Silveira, and respected another transaction which this individual proposed to him, and which he did not like to accept—an allegation which appears to be true, sincere, and proved by the perusal of the same letters, which, speaking of considerable speculations, past, present, and future, of different vessels, do not mention the "*Asseiceira*" and the "*Dous Amigos*," which are the only two vessels in question; and it would be incredible that, if they did refer to either of these two vessels, since they enter into so many minutiæ of different ships, they should not so much as speak of these.

These declarations, which the petitioner makes in all good faith to this Court, must qualify it for the perfect knowledge of this affair, and must destroy any suspicion whatever which may possibly have entered the minds of the Court respecting the petitioner, who is a merchant too well known in this city to sign his name in a manner different from his commercial signature; and in this respect, fortunately for the petitioner, comes the declaration of the notaries public applied for by you, Gentlemen, from the Imperial Government, who, by their affirmation on oath that the letters of these signatures, J. B. S., are not at all like the signature of the petitioner, nor the hand-writing of the letters with that of his book-keeper, constitute full and perfect proof, inasmuch as all faith and credit are given in courts of law to the declarations and examinations of sworn notaries public. With this the petitioner concludes, requiring finally that you, Gentlemen, order these allegations to be filed in the proceedings.

(Signed) JOZE BERNARDINO DE SA'.

(A true translation.)

(Signed) JOZE AGOSTINHO BARBOZA, Jun.,
Interpreter to the Commission.

Rio de Janeiro, March 4, 1841.

Seventh Enclosure in No. 225.

(Translation.) *Declaration of the Owners.*

We, the undersigned, attest, and if necessary swear, that Sen. Jozé Bernardino de Sá neither had nor has any concern in the voyage which the brig "*Asseiceira*" proceeded upon, whether in the brig or in the speculation of the same, since he only acted as an intermediary for us to order the said brig to Saint Catherine's, there to receive the cargo of the brig "*Dous Amigos*," which put back to that port leaky, and was adjudged incapable of proceeding on her voyage, he having had no other concern with us, nor we engaging ourselves to him to anything further; since our engagement was to order the vessel to receive that cargo, reserving to ourselves a claim to the freights which the shippers were bound to pay to the brig "*Dous Amigos*," intending to load the brig in Goa on our own account with Cairo rice and pepper, with the product of the said freights, as appears by our letter of orders of the 27th of January, 1840. If anything else took place beyond such our orders, it was disobedience of the captain, whom we have made responsible for all the losses which he has caused us.

(Signed) JOZE VIEIRA PIMENTA, Junior.
JOAO MACHADO CARDOZO & CO.

(A true translation.)

JOZE AGOSTINHO BARBOZA, Jun.
Interpreter to the Commission.

Rio de Janeiro, 3d March, 1841.

Eighth Enclosure in No. 225.

(Translation.) *Claimant's Petition.*

To the Judges of the Mixed Brazilian and British Commission:

It becomes my duty on the part of the Portuguese merchants, João Machado Cardozo and Company, to maintain their rights in the process instituted against the brig "*Asseiceira*," of which they are the owners.

By the letter of orders signed by them, and addressed to the supercargo Boisson, which exists among the papers found on board the brigantine, it is seen that the owners of the same ordered him to go to St. Catherine's to take the cargo of the brig "*Dous Amigos*," and to proceed to Goa, for which place she was freighted; prohibiting him, however, most expressly to ship any contraband, or any illicit and prohibited goods.

From the papers which appear in the process it is seen that the brig proceeded from Santa Catherina for Goa, taking the cargo of the "*Dous Amigos*," and that she unloaded the same at Quilimane, where she arrived.

It is seen, however, by the fact of the brigantine having been met with and captured by the English brig of war "Partridge," and another, that Bozal negroes were found on board; and without entering into the question of licit or illicit cargo, it is for us in the meantime to declare that the owner's orders were not attended to, since by the content of a letter of orders to the supercargo, and of the most

positive instructions to the captain, it is seen that it was broadly and expressly prohibited to ship any kind of illicit or contraband goods; and the Bozal negroes were comprehended in this prohibition, constituting as they do goods prohibited by the Brazilian laws.

And whatever may be the judgment of this commission respecting these Africans, it is evident that the owners are not responsible for an act which they not only had not permitted to be practised, but had even expressly forbidden, it becoming thus necessary, in strictness and in justice, to discriminate between the question of the criminality of the vessel and that of the cargo.

How is it to be supposed that the responsibility of an act practised by another should fall on a third party? How is it that Peter should pay for the deed committed by Paul? when, moreover, for the honour of Peter, he had expressly forbidden it.

The brigantine, then, being the property of our clients, and it not being possible to impute to them the crime of having shipped Bozal Africans, for they had expressly prohibited it, it is clear and evident that the brigantine ought not to share the same fate—ought not to be subjected to the same destiny as her cargo; on the contrary, the brigantine ought to be delivered to her owners, even though it should be thought right to condemn the cargo. Nor is this controverted because some persons may consider that the vessel ought to be responsible for the contraband; this would be unjust and barbarous: neither is it controverted because the Treaty, *in its letter*, may appear to adopt this idea, which is, moreover, very pernicious and even immoral, because it would amount to nothing less than upholding the cruel maxim that the innocent should suffer for the guilty.

And it is a received and obvious principle of jurisprudence, that a law ought to be understood by its spirit and letter, reconciling the idea of the legislature with the "expression" of the term used. And when the Treaties subsisting between Brazil and Great Britain render the vessel responsible for the contraband, it is evident that it is in the case in which it may be proved that the owner of the vessel had a share and intention in, and consented to, the contraband; thus reconciling the spirit with the letter of the law.

Now, in the present instance, what is proved is, that the owners, besides having no share in, knowledge, or intention as to the illicit act, actually prohibited it; that it was practised against their express orders, by disobedience of the captain or of whoever may be found to be the guilty person, from whom the owners pledged themselves by this to demand and to have of them the necessary indemnification for a disobedience—the more criminal, inasmuch as they wound the credit of merchants mindful of the law, as these have always hitherto been, protesting at once, as it is their duty, to secure their right.

Moreover, the owners, being Portuguese merchants and subjects, and consequently navigating the brigantine, their property, under the flag of Her Most Faithful Majesty, this circumstance strengthens the right which they have to require the delivery of their vessel, independently of the legality or illegality of the cargo which was found on board her, because this tribunal representing solely the two nations, Brazilian and English, it does not appear right that it should intervene in the matter of a Portuguese, except in such respect as may be favourable to him, seeing that all the world have a right to do a good action, and none to do wrong.

In view, then, of such solid arguments the owners appear before you, Gentlemen, to beg that you will be pleased, first, to separate the judgment of the hull of the brigantine from the cargo of Africans, as no one can be made responsible for another's fault. Second, to attend to the express orders which they gave not to ship contraband goods, and consequently to deliver to them the brigantine, even though you should condemn the cargo, since they (the owners) had no share in, or knowledge of, the illicit shipment.

We protest, as of right, against whomever we think we ought so to do for the disobedience of the captain, who infringed the orders of the owners of the brigantine, for the act of her capture, seeing that she was navigating under Portuguese colours; and, finally, against whatever decision this tribunal may come to as to the vessel which shall not be to order her restitution to the owners, as ought to be done.

(Signed) DR. JOAO MANOEL PEREIRA DA SILVA.

(A true translation.)
(Signed) JOZE AGOSTINHO BARBOZA, Jun.
Interpreter to the Commission.

Rio de Janeiro, January 29, 1841.

Ninth Enclosure in No. 225.

Argument for the Captor.

Most Illustrious Commissary Judges of the Mixed British and Brazilian Commission:

In the process of the capture of the brig "*Asseiceira,*" by Her Britannic Majesty's brigantine "Fawn," Lieutenant Foote, commander, nothing is requisite, besides the documents presented by the captor, to prove the want of legality in the mode in which that vessel was navigating, under the Portuguese flag, for the purpose of bringing from Quilimane to the coast of Brazil the cargo of Africans with which she was captured.

However, before enumerating the documents proving these crimes, the case merits the remark that, among the witnesses who have already made their depositions, those who did not corroborate the documents have, at least, forfeited all credibility.

From the passport of the brig "*Asseiceira*" it is evident that, in January, 1840, the Portuguese consulate in this city deemed the irregularity of the ship's papers to be such that it only granted a clearance to this vessel for Portugal, in order that she might there provide herself with legal documents, but with permission to touch at Santa Catherina on that voyage.

With that passport the "*Asseiceira*" sailed, in ballast, for Santa Catherina on the 28th of January, 1840, her captain being Jozé Coelho.

But the owners of the "*Asseiceira,*" Jozé Vieira Pimente, jun., and João Machado Cardozo, both residing at Rio de Janeiro, knowing the difficulty of despatching their vessel at the Portuguese consulate, with a cargo for Goa, touching at Moçambique, had already taken the necessary measures

beforehand, in concert with Jozé Bernardino de Sá, a merchant in this place, in order to obviate the obstacles opposing the projected voyage of the brig "*Asseiceira.*"

In the official register which is published of the sailings from this port, it is found that, on the 3rd of November, 1839, the Portuguese brig "*Dous Amigos*" sailed for Goa and Moçambique, her master being Mango Soares Noronha, crew 20, cargo sundry goods, passenger Manuel Jozé Martins Machado, a Portuguese.

In that vessel proceeded João Baptista Boisson and Wenceslão Joaquim da Silva as pilots, and Jozé Gomes Machado as boatswain.

The brig "*Dous Amigos*" went direct from Rio de Janeiro to Santa Catherina, with orders to tranship the cargo on board of the "*Asseiceira,*" and also to exchange the officers and the crew of the two vessels, João Baptista Boisson being charged with the execution of these orders, and being successively the real captain and supercargo as well of the brig "*Dous Amigos*" as of the "*Asseiceira.*"

In proof of this, there is annexed to the process the following fictitious minute of putting into Santa Catherina:—

The letter addressed to *J. B. B.*, dated Rio de Janeiro, November 2, 1839, signed J. B. S., with *the bill of lading of the cargo* on board of the "*Dous Amigos,*" signed by João Baptista Boisson.

The letter addressed to *João Baptista Boisson*, signed by *Jozé Vieira Pimenta, Jun., and João Machado Cardozo* (owners of the "*Asseiceira*"), authorising the said *Boisson to take command of that vessel, and to follow in all respects the orders of Jozé Bernardino de Sá, whom the bill of lading proves to be the owner of the cargo.*

The letter signed *J. B. S.*, addressed *to J. B. Boisson*, with orders *to trans-ship the cargo and the crew of the "Dous Amigos" on board of the "Asseiceira,"* at Santa Catherina, and afterwards to proceed on the voyage in the "*Asseiceira,*" giving, at the same time, very circumstantial orders in regard to the sale of the merchandise by the "*Asseiceira,*" the employment of funds, the description of the cargo with which the vessel was to return, as also in regard to the cargoes of other vessels.

The plan and the object of the voyage being thus proved, it solely remains to be shown that the only object was to bring Africans from Quilimane in the "*Asseiceira.*"

The persons interested in this criminal transaction were obliged to have recourse to the protection of the Portuguese consul at St. Catherine's, Sor. Jozé Goncalves dos Santos Silva, who gave permission to the brig "*Asseiceira*" to proceed on a voyage to the eastern seas of Africa, in direct opposition to the clearance which was given to that vessel by the Consulate-General of Portugal in this city.

The "*Asseiceira*" went from St. Catherine's direct to Quilimane, with the cargo and the crew of the "*Dous Amigos,*" under the command and the direction of João Baptista Boisson, who there discharged the flag-captain, Noronha, and having sold the cargo which she took in at Santa Catherina, took on board a cargo of Africans, with whom the said ship was captured.

The proofs of what was done after sailing from Santa Catherina consist of the following documents annexed to the proceedings:—

The log-book of the brig "*Asseiceira.*"

The muster-roll.

The manifest of the cargo with which she arrived at Quilimane.

The documents showing the mode in which the discharge was effected at Quilimane.

And further,—the *want* of a clearance on leaving Quilimane.

A letter *without* signature, and without date (but in the same hand-writing as the other letter), above mentioned, dated Rio de Janeiro 26th January, 1840.)

This letter (or, properly, instruction) having been found in the act of the capture of the "*Asseiceira,*" in the pocket-book of João Baptista Boisson, shows that the cargo which the "*Asseiceira*" was to bring could be only *Africans, who were to be disembarked with all caution in regard to cruizers, either to the south or to the north of this port.*

In the letter annexed to the process, addressed to João Baptista Boisson, dated Rio de Janeiro, 26th January, 1840, signed with the initials J. B. S. (being part of the contents of the orders of Jozé Bernardino de Sá, which were executed by João Baptista Boisson), it is seen that there are others interested in this criminal transaction, but their names are not declared; and it may also be inferred from the same letter that some of the passengers on board of the "*Asseiceira*" may be interested in the Africans on board. But as, up to this time, the proceedings throw no light on these two objects. I lay before you, gentlemen, the following deduction from the proofs now before the Mixed Commission, viz.:—

That all the persons who sailed from Rio de Janeiro on board of the brig "*Dous Amigos,*" in November, 1839, and who were captured on board of the brig "*Asseiceira,*" as well as the shipper of the "*Dous Amigos*" on that voyage, and the owners of the "*Asseiceira,*" are all guilty, being engaged in the illicit traffic in Africans. And I thus require of you, Gentlemen, on behalf of the captor, to avoid expense, which increases by delay, and to declare by your sentence the brig "*Asseiceira,*" captured with Africans on board, to be a good prize.

(Signed) ROBERT HESKETH.

(A true translation.)

(Signed) JOZE AGOSTINHO BARBOZA, Jun.
Interpreter to the Commission.

Rio de Janeiro, January 25, 1841.

Tenth Enclosure in No. 225.

(Translation.) *The Portuguese Consul to the Registrar.*

Consulate-General of Portugal, Rio de Janeiro, March 6, 1841.

MOST ILLUSTRIOUS SIR,

To satisfy the inquiry contained in your Despatch of the 4th instant, respecting the passport with which the Portuguese brig "*Dous Amigos,*" of which Vicente Julio Botelha d'Azevedo is owner,

sailed from this port for Goa, I reply that the aforesaid brig was despatched in this Consulate-General for Goa, by way of Moçambique, on the 2nd of November, 1839, carrying the passport with which she entered this port, which was given in Quilimane by the governor of that province on the 14th of October, 1837, and on the back of which was affixed a visa, declaring that it should be valid only to the first port, where the same passport should be cancelled, and the proper and legal ship's documents be provided. Such is the information I have to give you in this matter.

God preserve, &c.

(Signed) FRANCISCO JOAO MONIZ, *Vice-Consul.*

(A true Translation.)

JOZE AGOSTINHO BARBOZA, Jun.,
Interpreter to the Commission.

The Illustrious Senhor Braz Martins da Costa Passos,
&c. &c. &c.

No. 226.

Her Majesty's Commissioners to Viscount Palmerston.

Rio de Janeiro, March 12, 1841.
(Received May 7.)

My Lord,

The prisoner Boisson, in his deposition, declared himself to be a naturalized Brazilian subject; but having reason to doubt the fact, we addressed a letter to Her Majesty's Chargé d'Affaires, of which we have the honour to send the enclosed copy for your Lordship's information, as also of the answer we received from Mr. Ouseley, and of our reply in acknowledgment thereof.

Boisson having subsequently presented to this Court a letter of naturalization granted to him in the year 1833, by the then Regency, we lost no time in informing Mr. Ouseley of that fact; the more so as we understood that without waiting for the sentence of the Court he had been removed from Her Majesty' receiving-ship on board a French man-of-war.

We have, &c.,

(Signed) GEORGE JACKSON.
FREDERICK GRIGG.

The Right Hon. Viscount Palmerston, G.C.B.,
&c. &c. &c.

First Enclosure in No. 226.

Her Majesty's Commissioners to Mr. Ouseley.

Sir,

Rio de Janeiro, February 20, 1841.

We at first intended to make the contents of our present Despatch a part of our immediate answer to your letter of yesterday's date; but, on reflection, we think it best, in a separate and confidential letter, to take the opportunity of mentioning to you that, having reasons to doubt the truth of the prisoner Boisson's deposition before the Court, that though a Frenchman by birth he is now a Brazilian citizen, we have taken steps to ascertain this point officially; and that in the event of Her Majesty's Commissioners of Arbitration concurring with Her Majesty's Commissary Judge, we purpose, supposing our doubt on this head to be confirmed, instead of declaring Boisson guilty of an infraction of the Convention between Great Britain and Brazil, to suggest to you the propriety of an application being made to the French Minister at this Court to send him for trial before some French tribunal.

It is true the Conventions of 1832 and 1833, between the British and French Crowns, do not contemplate such a precise case, but it appears to us that the proceeding we suggest is sufficiently within the spirit of those Conventions to justify at least the proposal to the French authorities; and sure we are, that to deal thus with Boisson (who, during his examination, more than once, with an air of triumph and security, expressed himself indifferent to the judgment of the Court, appealing, by anticipation, from its sentence to that of the jury) would do more to check the daring effrontery with which foreigners have engaged in this traffic than even a sentence of condemnation by a jury of this country, with its different appeals and facilities for eventual impunity, would do, even could such be obtained.

On this point we cannot here refrain from reminding you, Sir, of the violation of our Convention of the 23d of November, 1826, by the decision of the Brazilian authorities respecting admitting persons to bail under sentence of this Court, and which has rendered its first Article so complete a nullity that, on a recent occasion, the sum required as bail for the appearance of an individual so sentenced, to take his trial before the jury, was fixed at from Rs. 500,000 to Rs. 600,000.

Second Enclosure in No. 226.

(Confidential.) *Mr. Ouseley to Her Majesty's Commissioners.*

GENTLEMEN, *British Legation, Rio de Janeiro, February* 23, 1841.

WITH reference to your confidential letter of the 20th instant, I have to inform you that on the 19th I applied privately to Baron Rouen, the French Minister, respecting the prisoner Boisson, explaining that I had ascertained through the Foreign Department (as I had previously personally communicated to Mr. Grigg) that Boisson, of whose participation in Slave Trade no doubt exists, was a Frenchman, not naturalized as a Brazilian, and consequently that I thought it advisable, as a matter of national courtesy as well as on other accounts, to place him at the disposal of the authorities of his own country; and further stated that the moment the sentence was pronounced upon the case in which he is involved, Boisson would be placed on board one of the French men-of-war at Baron Rouen's disposal.

The French Minister expressed, in general terms, his readiness to take charge of Boisson, and thanked me for the proposal, adding, however, that it would be necessary for him to consult the Instructions or documents relative to this subject that might exist in the Chancellerie of his Legation, but that he could not foresee any possible objection to the proposed plan.

The transfer, therefore, of Boisson to the French authorities only awaits, apparently, the decision of the Mixed Court on the case now before it.

I have not lost sight of the important subject to which the latter part of your letter refers. The present proceedings in the case of the "*Asseiceira*" will afford a fresh opportunity, which I shall not neglect, of bringing it strongly before the Brazilian Government.

I have, &c.,

Her Majesty's Commissioners, (Signed) W. G. OUSELEY.
&c. &c. &c.

Third Enclosure in No. 226.

Her Majesty's Commissioners to Mr. Ouseley.

SIR, *Rio de Janeiro, February* 24, 1841.

WE beg to offer you our best thanks for your confidential letter of yesterday's date, in consequence of which, if we hear nothing from you in the interim to induce a different line of conduct, we shall address to you an official representation on the subject of Boisson so soon as sentence shall be passed on the "*Asseiceira,*" to which we shall also endeavour to obtain the signature of our Brazilian colleague.

In our letter of the 20th *we* looked, as we were bound, only to the Treaty engagements between Great Britain and France; but nothing, it appears to us, could be more judicious on your part than to ground the step in contemplation on motives of national courtesy, and we sincerely hope that Baron Rouen may not meet with anything to render him ultimately less favourable to the proposal; but we must be prepared for the exertion of every possible influence to defeat our object.

Of the falsehood of Boisson's deposition, that he was a Brazilian citizen, we had little doubt from the first; but it was important to establish the fact officially, especially after the official intervention of the Brazilian Minister for Foreign Affairs in his behalf, which seemed to give a colour to the alleged naturalization.

We rejoice, Sir, in your declared intention of bringing the piracy question strongly before the Imperial Government, and you may rely on the immediate communication of any circumstance which may come to our knowledge, officially or otherwise, which may appear likely to give further strength to your representations.

We have, &c.

W. G. Ouseley, Esq., (Signed) GEORGE JACKSON.
&c. &c. &c. FREDERICK GRIGG.

(Extract.) No. 227.

Her Majesty's Commissioners to Viscount Palmerston.

Rio de Janeiro, March 13, 1841.
(*Received May* 7.)

WE have the honour to acknowledge the receipt of your Lordship's Despatch of the 17th of December, 1840.

That part of it which relates to the holidays observed by the Brazilian Courts we immediately communicated to Her Majesty's Chargé d'Affaires in a letter, in which we expressed our sincere hope that he would be able either to accomplish the desired object himself, or to point out in what way we may ourselves most effectually afford co-operation and assistance.

To this we are with regret compelled to add, that our best endeavours, renewed only a few days ago, to persuade our Brazilian colleagues to put an end to the practice complained of have uniformly proved ineffectual, and have been constantly met by the declaration that, even if they were to agree to our proposal, no act done on a holiday would be legal or valid.

With regard, my Lord, to the commencement of your Despatch, in which your Lordship declares that many more days than can have been necessary were employed in the adjudication of the slave vessel "*Dom João de Castro*," having already laid before your Lordship a statement, day by day, of the proceedings of the Court in that case, we can add little more than our regret at finding that our explanation is still deemed by your Lordship to be unsatisfactory.

We venture, however, yet to hope that, on a closer inspection of that statement, your Lordship will be of opinion, that the delays complained of in the practice of this Court are solely to be ascribed to the imperfect nature of its machinery, and to the impediments which beset every step which it may be desirous of taking. For instance, its inability to enforce the attendance of the watch-maker, Norris, alone retarded its proceedings ten days; and again, the time taken up in effecting the survey and counter-survey prayed respectively by the claimant and captor, the former of which could only be effected through the tardy, intermediate agency of different Brazilian authorities.

There are also other considerations which necessarily and materially tend to protract the trial of every slave vessel before this Court, such as the duty, which we have all along considered imperative upon us, and more than ever since your Lordship's observations on the very case in question, of endeavouring to secure the conviction of the individuals concerned in the guilty adventure, and the circumstance that all its proceedings are necessarily in Portuguese.

Having received a very strong letter from Her Majesty's Chargé d'Affaires, on the time which the adjudication of the "*Asseiceira*" has occupied, we have the honour to enclose herewith a copy of the same, as also of the answer which we have returned to it.

For the better understanding of Mr. Ouseley's letter of the 6th, we also transmit copies of the one to which it refers, as written from on board the "*Curaçoa*," and of the immediate answer it received.

We presume, from what we read in the Parliamentary papers, that some change is in contemplation with reference to this Commission; and whatever may be the nature of any fresh stipulations between the two Governments respecting the Slave Trade, and whoever may be the individuals to whom their execution may be confided, we would respectfully submit to your Lordship's consideration, supposing this Commission to continue to exist, the idea which we have suggested, of power being given to it, which we do not conceive that it at present possesses, to pass a primary sentence of emancipation on the slaves, which, under existing circumstances, could hardly ever require more than a few days.

First Enclosure in No. 227.

Mr. Ouseley to Her Majesty's Commissioners.

GENTLEMEN, *On board H. M. S.* "Curaçoa," 22*nd February*, 1841.

ON coming on board I this moment learn that the "Fawn" has brought in a prize, containing 380 (or thereabout) Africans. It is highly expedient, from the bad state of health, extreme emaciation, and distress of these unfortunate persons, that they should be removed from the slave-vessel without delay; on the other hand the "Crescent" is already very much encumbered, not so much on account of the Africans of the "*Asseiceira*," but from the number of prisoners whose safe custody requires much care, and the small force at the disposal of the commander of that ship, it is highly desirable that the Africans now on board be removed as soon as possible. Not only is room required on board the "Crescent," but the danger of infection from the recently captured Africans is very great, and can with difficulty be prevented.

Under these circumstances I need not point out the expediency of hastening, as much as possible, the proceedings respecting the "*Asseiceira*," so as to make over the Africans to the Brazilian government with as little delay as possible. You would oblige me by informing me whether the ultimate disposal of those Africans is likely to be much longer delayed with a view to the possible necessity of providing means for placing the recent capture of the "Fawn" in safety.

I have, &c.

Her Majesty's Commissioners. (Signed) W. G. OUSELEY.

Second Enclosure in No. 227.

(Extract.) *Her Majesty's Commissioners to Mr. Ouseley.*

Rio de Janeiro, February 24, 1841.

YOUR letter, dated the 22nd instant, from on board Her Majesty's ship "Curaçoa," has been received; and we lose no time in replying to it.

We can assure you, Sir, with perfect truth, that the proceedings in the case of the "*Asseiceira*" have not been protracted one moment by us; and that the delays which have occurred are attributable entirely to the dilatory mode of doing business in this country, and to the duty which Her Majesty's Commissary Judge felt to press peculiarly upon him—to secure the conviction of all parties really guilty in that adventure, particularly after having been subject to censures in the case of the "*Dom João de Castro*" upon this very point, which he trusts Viscount Palmerston will, on being better informed, feel that he little deserved.

As you will have felt, Sir, no great difficulty could have been experienced by us in obtaining the assent of our Brazilian colleague to a sentence of emancipation of the Africans on board the "*Asseiceira*," and possibly, though we by no means feel sure on that head, to the condemnation of the vessel. The first of these points required but a very few days, and had it been proper to stop there, the Africans might, ere this, have been made over to the Brazilian authorities. As it is, the Court are now waiting to establish the proof against the individual whose name we need not here mention. The two votes, of which we herewith enclose copies, will show you both the date and the grounds of the difference of opinion between the Commissary Judges. The question of the nationality of Boisson we consider as settled by the statement in your letter of yesterday; so that, were it allowable to close the proceedings without reference to the other parties implicated, the sentence might very soon pass; but even then the intermediate steps between passing sentence, and the Brazilian authorities taking charge of the prize, are too many and too tardy to admit the expectation of the "Crescent" being relieved of the Africans belonging to the "*Asseiceira*" for the next 10 days or more. These obstacles are too well known to you, Sir, to require their enumeration; but we think it right to be thus explicit and immediate in answer to your letter, with a view to the motive of your inquiry—the means of providing for the safety of the recent capture of the "Fawn."

We have, &c.

(Signed) GEORGE JACKSON.
FREDERICK GRIGG.

W. G. Ouseley, Esq.
&c. &c.

Third Enclosure in No. 227.

(Extract.) *Mr. Ouseley to Her Majesty's Commissioners.*

British Legation, Rio de Janeiro, March 6, 1841.

I HAVE to apologize for not having sooner replied to your official communication of the 24th ultimo. The urgent and only object of my letter from on board the "*Curaçoa*," and my verbal communication through Mr. Grigg, which you say was duly delivered, was to inform you without an instant's avoidable delay of the extreme advantage, I may almost say necessity, to Her Majesty's service of passing immediate sentence on the negroes of the "*Asseiceira*," so that they might have been made over to the Brazilian authorities as soon as possible.

The instant that your reply was received I perceived the hopelessness of expecting any such speedy action respecting the Africans of the "*Asseiceira*," as the case, in my opinion, required, as I had informed you. Measures were adopted in consequence for the immediate disposal of these newly-arrived unfortunate beings, according to the means at the disposal of Her Majesty's officers, with the least possible risk to others.

Without the slightest wish to cast any imputation, or give an opinion in a matter beyond my competence, yet, as you mention some points of the case of the "*Asseiceira*," I may be permitted to observe, that it appears to me quite inexplicable why sentence on that vessel and the Africans was not passed weeks ago.

No admissible shadow of defence could be made in this case for the vessel, &c.

In a word, as you have mentioned this subject, and without implying any censure that I am not officially entitled to pronounce, I cannot see why more than 24 hours need have been suffered to elapse after the case of the "*Asseiceira*" was before the Court without sentence being passed. If any delicacy regarding the summary condemnation of the notorious Bernardino de Sá, or others, was an obstacle to the sentence, the relative importance of the delay on this account was, it seems to me, quite trivial when placed in juxtaposition with the expediency of instant disposal of the Africans. The points affecting the proprietors and prisoners might have been reserved; and I think that I should have, without difficulty, induced the Brazilian Government to take immediate charge of the Africans.

But so far from any advantage being gained by the dilatory mode of passing judgment on the notorious principal and accomplices in this case, I am convinced that were it feasible in the same 24 hours to cause sentence and execution to be enforced on the guilty parties, it would have the best moral and physical effect in this capital and country, and infinitely more conduce to the general feeling of respect for the Court and the real dignity of its proceedings than the present practice of that tribunal.

Finally, the cost of the keep of the Africans, &c., for one day, is, it appears to me, of more importance than listening to the absurdities invented to defend criminals whose conviction, if as clear as the sun at noonday, would be just as liable to fictitious objections and the opposition of their determined supporters, as it is under all the cautious and lengthened observances admitted, it appears to me unnecessarily, at present. But when the extreme risk from infectious disorders, the crowding, discomfort, real danger, and unnecessarily arduous duties to which the officers and company of H.M.R.S. and the squadron are exposed, are taken into consideration, together with the consequent detriment to the service and possible loss of life, an extremely grave responsibility, it appears to me, rests on those who cause the detention of the Africans from on board the slave-vessels one hour that is by any means avoidable, whether from an inclination to hold to usual forms, or a sufferance of the "*empenhos*," or connivance of Brazilian officers.

Fourth Enclosure in No. 227.

(Extract.) *Her Majesty's Commissioners to Mr. Ouseley.*

Rio de Janeiro, March 10th, 1841.

YOUR letter, dated the 6th instant, was received yesterday afternoon.

However desirable it would undoubtedly be that a preliminary sentence should be given, in all cases where a slave-vessel is taken with Africans on board, reserving the question of the guilt of the parties implicated for after consideration, we doubt very much, in a legal point of view, whether such a course would be practicable under the present powers of the Court. We at once acknowledge the justness of your observations respecting the dilatory mode of procedure of this Mixed Commission, and of the importance, with a view alike to humanity and economy, of avoiding every possible delay; but the fault, as we have repeatedly explained, does not rest with us, and is attributable solely to the peculiar circumstances in which this Court is placed.

On the obstacles to that summary mode of proceeding, which there can be no doubt "would have the best moral and physical effect," were it only feasible, you are too well acquainted with this country to make it necessary for us to enlarge; but it must be borne in mind that the delays which arise, under the present organization of the Court, are the necessary result of that organization, and of the duty imperative upon the British members of the Commission to leave no means untried to secure the conviction of the guilty parties, which cannot be done, *de salto*, or without allowing them those means of defence which, however futile the judges may feel convinced they will ultimately prove, cannot be denied, with any show of justice, to the most notorious, or even to a previously convicted criminal.

Supposing the instruments under which this Commission is acting to have been originally well appropriated to the state of things for which they were intended, it is obvious that they have become wholly inadequate to the very altered state of circumstances at present existing; and while Her Majesty's Commissioners spare no pains or labour to fulfil to their utmost the object of Her Majesty's Government, they can have but little hope of succeeding, so long as the present imperfect system shall be allowed to continue.

No. 228.

Viscount Palmerston to Her Majesty's Commissioners.

GENTLEMEN, *Foreign Office, May 24*, 1841.

I HEREWITH transmit to you, for your information and guidance, a copy of a letter which by my directions has been addressed to the Secretary to the Admiralty, respecting the search and detention of vessels bearing the flag of the United States of America, and suspected of Slave Trade.

I am, &c.,

Her Majesty's Commissioners, &c. &c. &c. (Signed) PALMERSTON.

Enclosure in No. 228.

Lord Leveson to Sir John Barrow, May 18, 1841.

(See Enclosure in No. 25.)

No. 229.

Viscount Palmerston to Her Majesty's Commissioners.

GENTLEMEN, *Foreign Office, June 8*, 1841.

I HAVE received your Despatch of the 12th of March, 1841, enclosing copies of correspondence with Her Majesty's Chargé d'Affaires at Rio de Janeiro respecting Boisson, the master of the slave-vessel the "*Asseiceira*."

I have to state to you in reply, that, as it does not appear from this correspondence that you proposed sending to France any witnesses or evidence necessary for his conviction upon trial before a French Tribunal, to have sent him to France in that manner would only have been to screen him from punishment.

I am, &c.

Her Majesty's Commissioners, &c. &c. &c. (Signed) PALMERSTON.

No. 230.

Her Majesty's Commissioners to Viscount Palmerston.

Rio de Janeiro, April 17, 1841.
(*Received June* 14.)

My Lord,

We take the earliest opportunity of informing your Lordship that Mr. Edward Edwin Morgan, mate of Her Majesty's sloop "Rose," P. Christie, commander, arrived in this port on the 16th ultimo in charge of a Brazilian brig called "*Nova Aurora,*" which that officer detained on the 26th of February last in latitude 13° 7′ 57″ south, and longitude 37° 50′ west, on suspicion of her being engaged in the traffic in slaves, she being bound to the west coast of Africa, and affo ding other grounds of suspicion to the mind of Commander Christie to warrant her detention.

The trial of this case commenced on the 22nd ultimo, and terminated two days ago (the Easter holidays having intervened) with the restitution of the "*Nova Aurora*" to her owners, residents of Bahia. And we have now the honour to forward to your Lordship herewith the declarations of Commander Christie, the affidavit made by the prize-master, the sentence of the Court, and our report of the case.

Your Lordship will doubtless have learnt from Her Majesty's Consul at Bahia, that the "*Nova Aurora*" was carried in the first instance into that port, and have been put in possession by Mr. Porter of all the circumstances and correspondence which there occurred relative to this transaction.

We therefore abstain from troubling your Lordship with a mass of papers referred to in the claimant's defence, consisting of letters which passed between the President of the Province, Her Majesty's Consul, and Commander Christie, as well as of a very voluminous judicial act, termed in this country justification, which was had before the British Conservatorial Court at Bahia, and which ended by a sentence of that Court in favour of the plaintiffs.

In this act they value the brig at 25 contos, and the freight and cargo at 60 contos, and its object is to stamp that value as proved by a judicial sentence; as also certain complaints of ill usage alleged against the captors, to which reference is made in the defence, and a positive contradiction to the statement at the foot of the captor's declaration respecting irons and papers having been thrown overboard by the individual who is said to have witnessed the act.

With regard to the first object, however such valuation may be urged on this Court, as it doubtless will be when the claim for damages is presented, it will of course be no way binding on it, and will only be taken for what it may be worth in view of such vouchers in support of the claim for indemnification, as may be presented when the whole comes under consideration on the 15th of May next, to which day the Court have given the claimants, regard being had to the probable necessity of their communicating with Bahia.

With regard to the other matters, the Court did not feel itself called upon to take any other notice of them in its sentence than to express regret that the individual to whom the statement of having seen the irons, &c., thrown overboard is attributed, should not have been brought before it by the captor.

With reference also to the want of a manifest charged upon the claimants, it is right to observe that a copy of that of the "*Nova Aurora,*" registered at the Custom-house at Bahia, forms part of the above justification.

Our report of the case goes so fully into every particular of this detention, that we need only add that the two Commissary Judges were both clearly of opinion that it was unjustifiable, and that the commander of the "Rose" was not warranted, in view of the instructions, in carrying the detained vessel into Bahia.

In the sentence your Lordship will find recorded the protest of our Brazilian colleague against the right of detaining outward-bound vessels. This is a step which we must always expect on his part, though, as is seen, it does not preclude his taking cognizance of any such cases when brought before the Court.

The question of the Brazilian Commissary Judge to the prize-master, which resulted in the explanatory declaration of the latter, was put in this sense.

We have, &c.

(Signed) GEORGE JACKSON.
FRED. GRIGG.

The Right Hon. Viscount Palmerston, G.C.B.,
&c. &c. &c.

First Enclosure in No. 230.

Captor's Declaration.

I, PETER CHRISTIE, commander of Her Britannic Majesty's ship "Rose," hereby declare that, on this 26th of February, 1841, being in the latitude of 13° 7′ 57″ south, and longitude 37° 50′ west, I detained the brig or vessel named the "*Nova Aurora*," sailing under Brazilian colours, commanded by João Jozé Peinoto, who declared her to be bound from Bahia to the west coast of Africa, with a crew consisting of 16 men, 15 passengers, and 1 slave, whose names are declared by them respectively and inserted at the foot hereof:

Names of Passengers.

Manoel de Rosa Santos.	Benedicto Antº. de Souza.
Francis Espriz Santo.	Leopoldino de Souza.
João Zarias.	Luis Ladislão.
Domingos Jozé da Cunha.	João Periera.
Jozé Dom. Silva Marques.	Francis Zavier Catalina.
Francisco Jozé do Silva.	Alexr. Gonz.
Baptiste Lafonte.	Manoel de Conte.
Jozé Mendes Beneso.	

Names of the Crew.

H. de St. Fine.	Manl. do Cruz da Trindade.
Miguel Affonço.	Jozé.
Jozé Rufo. Gomes.	Antº.
Jozé Fernandes.	André.
Antº. de Sza.	Francisco.
J. Maxiº. Pite.	Cactano.
Antº. Duarte.	João.
Salr. Jordão.	Jozé, a slave.

And I do further declare that I have detained the aforesaid brig or vessel for being fitted out for the illegal traffic in slaves, as the annexed declaration will show; and I also detain her for having a number of arms on board, without a licence from the Imperial Government of Brazils, agreeably to my order, dated the 25th of November, 1839, which directs me to detain all Brazilian vessels illegally armed, and send them to Rio de Janeiro. And I also declare that I have mustered her crew and passengers and make the total number of persons found on board to be 33, and the extra person the master can give no satisfactory account of; his statement and the man's totally disagree.

(Signed) P. CHRISTIE.

Witnessed by THOMAS SHARP HILL, *Lieutenant.*
E. E. MORGAN, *Mate.*

We, whose names are hereunto subscribed, belonging to Her Majesty's sloop "Rose," have been present at the search made on board the detained brig or vessel named the "*Nova Aurora*," and we make the following statement, viz.:

That, on clearing a great part of the hold by removing a portion of her cargo, we discovered a tier of water-casks down underneath the deck at the fore peak, whereas the master of her declared there were none on board except those seen on deck at the time she was boarded, the number altogether amounting to 14 large casks (supposed to contain about 120 gallons each), besides 9 smaller ones. We therefore do consider that she could not require such a large quantity of water for the short distance she has to go, if merely engaged in lawful commerce.

In addition to this she has a number of large casks containing some kind of coarse spirit, but no doubt intended for water on the return of the vessel with slaves.

On examining the master's cabin we discovered an extraordinary quantity of farinha, upwards of 11 bags, or about 2000 lbs., all stowed in bulk, besides rice: neither of the above articles are entered in her manifest, and from such a quantity of farinha being found, there can be no doubt but it was intended to feed slaves on during the voyage from the coast of Africa. It could be for no other purpose, as there is an ample supply of provisions and live stock on board for the subsistence of the passengers and crew.

Secreted amongst the farinha and in other parts of the ship we discovered the following arms, viz., 1 blunderbuss, 15 muskets, 3 pistols, and several swords, not mentioned in her manifest or in any of her papers.

Having no arming licence, such a number of arms on board is a direct violation of an order from the Imperial Government of Brazils, where it stipulates that vessels shall not carry more than one small gun for the purpose of making signals: she therefore is, in accordance with that order, *illegally armed.*

She is also fitted for a second or slave deck all round her hold, which is a convincing proof what she is intended for.

We also found on board a number of small pumps or suckers usually made use of in slave-vessels, certainly not necessary for a merchant vessel engaged in lawful trade.

The cargo is such as is generally used in bartering for slaves, such as beads, and a variety of ornaments, trinkets, &c. &c., besides the general cargo of bale goods, tobacco, and spirits.

The statement at the foot hereof made by one of her passengers, bears strong testimony in what traffic she was about to be employed; and we further declare that we are not aware of there being anything deficient in the "*Nova Aurora's*" equipment, or anything connected with her, that could be further necessary to prove that she is engaged in the illegal traffic in slaves. And we further declare that we are willing to make oath to the impartiality of our proceedings on board the "*Nova Aurora*," and to the statement herein contained.

Given under our hands on board Her Majesty's sloop "Rose" at Bahia, this day of March, 1841.

(Signed) P. CHRISTIE, *Commander.*
THOS. SHARP HILL, *Senior Lieutenant.*
JOHN HAYNES, *Master.*
E. E. MORGAN, *Mate.*
J. HAVES, *Carpenter.*

We whose names are hereunto subscribed, belonging to Her Majesty's sloop "Rose," hereby declare that we were present in the cabin when "João Pereira," a passenger taken out of the detained brig "*Nova Aurora*," stated that during the chase he saw irons and papers thrown overboard; and we further declare that we are willing, if required, to make oath to the above statement.

(Signed) P. CHRISTIE, *Commander.*
THOS. SHARP HILL, *Lieutenant.*
AUG. C. HOBART, *Midshipman.*

Second Enclosure in No. 230.

(Copy.) *Affidavit of the Prize Officer.*

OUR Sovereign Lady the Queen Victoria against the brig "*Nova Aurora*," João Jozé Peixoto, master, her tackle, apparel, and furniture, and the goods, wares, merchandize, and stores on board the same, taken by Her Majesty's ship-of-war "Rose," Peter Christie, Esq., commander, and brought to Rio de Janeiro.

Appeared personally Edward Edwin Morgan, mate on board Her Majesty's ship "Rose," being duly sworn, maketh oath that the said Commander Peter Christie, Esq., of Her Majesty's ship "Rose," is duly authorized and empowered, according to the provisions of the Treaties now existing between Her Britannic Majesty and his Imperial Majesty the Emperor of Brazil, to make seizures of vessels under Brazilian colours engaged in the Slave Trade, and that according to such powers and in virtue thereof, he, the said commander, did detain and capture the Brazilian brig above-named, on the day and in the latitude and under the circumstances specified in the declarations and other documents hereunto annexed.

And the deponent further maketh oath, that the papers, writings, and documents hereunto annexed, marked from No. 1 to No. 11 inclusive, were given up to and seized by the said commander, and that the same are now brought and delivered up in the same plight and condition as when so received by the said commander, without any fraud, addition, subduction, alteration, or embezzlement whatever, save the numbering and marking thereof.

(Signed) EDWARD EDWIN MORGAN, *Mate.*

Third Enclosure in No. 230.

(Translation.) *Sentence.*

Rio de Janeiro, April 15, 1841.

THE present proceedings respecting the detention of the Brazilian brig "*Nova Aurora*," on the 26th of February last, in latitude 13° 7′ 57″ south, and longitude 37° 50′ west, by Her Britannic Majesty's sloop-of-war "Rose," P. Christie, commander, being examined, it is seen that the said brig, the property of the Brazilian subjects Joaquim Jozé dos Santos Mathado and brother, residents of the city of Bahia, was by them laden on freight, and that having sailed for the coast of Africa on the 22nd, she was some days after detained by the aforesaid sloop on suspicion of being engaged in the traffic in slaves, and that Commander Christie took her back to Bahia, a step not exactly consistent with the first Article of the Instructions intended for ships-of-war employed to prevent the illicit traffic in slaves, from whence, after having subjected her to a strict search, he sent her on the 3rd of March to Rio de Janeiro, with a view to her being there brought for trial before this Commission.

It is the less requisite on this occasion to discuss the right which cruisers may have to detain vessels without slaves on board—a right, however, which the Brazilian Commissary Judge cannot but call in question until a new agreement be concluded between the two Governments, although his colleague, the British Commissary Judge, is of opinion that the Convention of the 23rd of November, 1826, is already a sufficient authority for them so to do in certain cases, that is to say whenever the vessel is intended for the traffic in slaves, because it is evident that the motives alleged by the captor in his declarations are by no means sufficient to have justified the detention of the brig "*Nova Aurora.*"

It is not necessary to examine particularly those motives, because even the proctor for the captor deemed them so insufficient that, after having proceeded to another minute examination of the brig in this port of Rio de Janeiro (a fact of which this Commission has received information, although it does not appear in the autos), he declared that he desisted from the accusation against this vessel.

It is right, however, to remark, that one of the motives was, the said brig being illegally armed in view of the orders of the Imperial Government.

Be this allegation as it may, it is not competent for the cruisers, in virtue of the instructions annexed to the Conventions which regulate this tribunal, to detain vessels for similar violations of the regulations of the country, nor for this Commission to take cognizance of captures made on such grounds, the orders dated the 25th of November, 1839, of which the captor speaks in his declaration, being wholly unknown to it.

Another reason alleged as inducing the captor to make the detention in question, is the statement said to have been made by a passenger, of having seen irons and papers thrown overboard during the chase.

Such a fact, legally proved by the deposition of the witness himself before this Commission, would undoubtedly deserve great consideration; and it is therefore much to be lamented that the captor should not have sent so essential a witness before it, the more so as this same individual appears to have availed himself of this omission on the part of the captor, to make a declaration before the British Conservatorial Court at Bahia in a sense directly contrary.

Seeing what has been stated, the Commissary Judges adjudge the detention of the Brazilian brig "*Nova Aurora*" to be illegal, and declare her to be a bad prize to Her Britannic Majesty's sloop-of-war "Rose," and order that she be released and immediately given up with all her cargo and appurtenances to her lawful owners, the same being at liberty to present forthwith to this Commission the

account of the indemnities to which, conformably to their prayer and to the regulations of the Commission, they may be entitled.

The Commissary Judges however cannot sign this sentence without calling the attention of the Imperial Government to the irregularity observable in the passport with which the authorities of Bahia permitted the brig in question to sail. It may be that there being no Custom-house on the Mina coast it may not be the practice, as the captured party alleges it is not, to carry a manifest, on the want of which the captor's proctor lays great stress; but the passport with which the said brig was navigating, although given by the legitimate authority, namely the President of the Province, was a passport only for the coasting trade, in which her destination was not mentioned, while at the same time it was declared in all her other Despatches that she was bound for the coast of Africa, without however saying to what part of the same.

(Signed) JOZE CARNEIRO DE CAMPOS.
GEO. JACKSON.

(A true copy.) (Signed) BRAZ MARTINS COSTA PASSOS, *Secretary.*
(A true translation.) JOZE AGOSTINHO BARBOZA, Jun.,
Interpreter to the Commission

Fourth Enclosure in No. 230.

Report of the case of the Brazilian brig "Nova Aurora," *detained on the 26th of February*, 1841, *in lat.* 13° 7′ 57″ *S., long.* 37° 50′ *W., by Her Majesty's sloop of war* "*Rose*," *P. Christie, Commander, on suspicion of being engaged in the traffic in Slaves.*

Rio de Janeiro, April 17, 1841.

This brig sailed from Bahia for the coast of Africa on the 22nd of February, 1841, with a passport, which, though given by the legitimate authority, namely the President of the Province, was yet an illegal document for such a voyage, because it was a passport such as is used and valid only for the coasting trade. In this passport the destination of the brig was not declared, although in the further Despatches with which she was furnished, she was said to be bound to the coast of Africa, without however stating to what part of the same.

The "*Nova Aurora*," the property of Brazilian subjects, was laden on freight at Bahia with a cargo, the freight of which amounted to upwards of 9 contos. She had no manifest, the want of which was accounted for by there being no custom houses on the Mina coast; but she had a cargo book, signed by the owners of the vessel, in which the goods on board, chiefly tobacco and rum, are regularly entered.

Her Majesty's sloop "Rose," it seems, was at Bahia when she sailed, and two days afterwards, viz., on the 24th, Commander Christie went in pursuit, whether from information received or on mere suspicion, does not appear—and coming in sight of her on the following day, he detained her on the 26th, and carried her again into Bahia on the 27th, where he subjected her to a strict search, the result of which is given in the Captor's Supplementary Declaration, and on the 3rd of March he despatched her, under the charge of Edward Edwin Morgan, mate, to Rio de Janeiro, where she arrived on the 16th; and on the 20th of the same month, her papers, with the declarations of the Captor, were brought into Court by the aforesaid prize master, who ratified the same on oath, with the additional deposition hereunto annexed; to which, on the 22nd, he desired to be allowed to add the declaration in explanation. On this occasion he made also a further deposition.

The usual monition was immediately issued according to the forms of this country, and on the 22nd and 23rd the three white men sent up with the prize were examined.

The first witness, João Jozé Peixoto, swore that he was a native of the island of Fayal, but a Brazilian citizen; that he was a sea-faring man, and now master of the brig "*Nova Aurora*;" that this vessel was destined to take a cargo on freight to the coast of Africa, and to return in ballast, or with any licit cargo that he might find there, such as oil, shawls for blacks, baskets, cocoa-shells, and mats, as she had done more than once already; that as to the charge of having a greater quantity of water than was necessary for the voyage, he had only 12 pipes and seven barrels, which he thought was even yet too little; that the casks filled with some ordinary spirit did not belong to the vessel, but to the shippers, as appears by the cargo book; and that as to the large quantity of farinha and rice, there were only about 32 bushels of the former and 6 of the latter, which altogether he considered very little for the voyage; that as to the arms mentioned by the Captor, some of the muskets belonged to black passengers, and some to the cabin passengers; that one of the pistols belonged to him, the deponent; and two, as well as the blunderbuss, to a passenger; and that as to swords, there was only one sword and one foil belonging to a passenger, and that the vessel herself had no arms at all; and as to her being prepared to receive a second, or slave-deck, he affirmed that she was not so prepared, and that she had only the knees proper for securing the timbers of the vessel, and not for a slave-deck, as may be seen on examination; that the reason of his not having the manifest of cargo passed at the custom-house was, that it was not the practice for vessels bound to the coast of Mina to take such, because there there was no custom-house, and that the charge of having during the chase thrown overboard irons and papers, as stated in the Captor's declaration on the faith of a passenger, by name João Pereira, who asserted that he saw such thrown overboard, was entirely false; he further denied the assertion of the Captor that deponent had declared that there were no other water casks on board except those seen on deck at the time the vessel was boarded, adding, that he told the boarding officer in Spanish, that besides the water casks on deck, there were 3 pipes and 2 barrels in the fore part of the ship, as he (the officer) went and examined; that there was no other person interested in this vessel except Jozé dos Santos Mathado and his brother; that there were on board 5 white passengers and 10 blacks, and 1 black man transported by the Government; that all the passengers had some cargo, as appears by the cargo book, in which was included the whole of the cargo existing on board; and that there was no other whatever, the owner having no cargo belonging to him; that he, as well as the other officers of the ship, made their agreements with the owner, and that his own pay was 600 milreis for the round voyage, besides 10 per cent. on whatever freight he might bring back.

On being asked in what produce he had intended laying out the amount of the freight which he carried, he replied that the freight is never paid on the Mina coast, but at Bahia on the return, in virtue of acknowledgments given by the owners of the goods so laden.

Respecting the circumstances of the detention, he said that, though he saw a vessel on the 25th, yet he did not recognise her to be an English sloop of war till 10 o'clock on the following morning, when, upon the latter showing her colours and firing at him, he, deponent, bore up and showed his also.

The second witness, Hermenigildo da Silva Senna, swore that he was a Brazilian subject, native of Bahia, a sea-faring man, now mate of the brig "*Nova Aurora;*" that he made his agreement with the owner of this vessel to go to the coast, and bring back any cargo that might offer, but never Africans, that he was not aware that she was fitted for receiving a slave-deck, as declared by the Captor; that he did not consider the quantity of water which she carried to be too great, as they had many passengers as well as live stock, such as sheep, pigs, &c., and as the voyage might last from 40 to 50 days; that he did not know what quantity of provisions had been put on board; that as to the arms, he saw only a few after the detention, which belonged to different passengers, and not to the ship; that he saw neither irons nor papers thrown overboard; that there was no chase, for that though he had seen the capturing ship at Bahia before he sailed from that port, he did not recognise the vessel, which he saw at a great distance on the 25th, to be the sloop of war, till she fired at the brig on the following day; that it was not the custom for ships bound to the coast of Mina to take a manifest of the cargo; that this cargo belonged to the passengers; that he did not know whether there was any further cargo to be delivered to any person on the coast; that the brig is the sole property of Joaquim Jozé dos Santos Mathado and brother; and that his wages were 300 milreis for the round voyage.

This witness being questioned what voyages he had made to the coast of Africa, prevaricated greatly, pretending not to remember the name of more than one vessel, the "*Veloz,*" which went to Onim and touched at Prince's Island, or the periods when such voyages were made.

The third witness, Miguel Affonso, swore that he was born at Lamego, but a Brazilian subject; that he was a seafaring man, now boatswain of the "*Nova Aurora;*" that he made his agreement with her owner for 300 milreis for the round voyage, to take the cargo which is on board and bring back whatever licit cargo might offer; that nobody knew better than himself how this vessel was fitted, which was not to receive a slave-deck, as may be seen by the thickness of the cleats or knees; that as to the provisions and water he did not consider them to be sufficient, especially the water, unless drawn out by suckers, as they were actually doing when captured; that he saw no papers thrown overboard, nor irons; that so far from having irons on board, he, deponent, was obliged to make use of ropes to secure the prisoner whom the soldiers brought on board, because they took away their own handcuffs with them when they had delivered over their prisoner; that there were no arms belonging to the ship, and only a few muskets, &c., the property of the passengers, and a small one belonging to himself; that there was no cargo whatever on board, except what is entered in the cargo book, and that there were only 4 arrobas of jerked beef for the use of the cabin; that in the hold of the vessel there were a few casks of spirits, belonging to the cargo of the brig, as well as some few in the boat, for which there was not room in the hold; that the brig was partly unladen in the port of Bahia after her capture, but that neither he nor the other officers were allowed to be present when this was done, nor even to approach the hatches; that this was the first voyage he had made in this brig, but that he had made several in different vessels while the traffic was permitted, since which he had sailed only for Monte Video and Rio Grande.

After some delay on the part of the Captor's proctor in procuring a proper power of attorney, he presented himself, duly authorised as such, on the 1st of April, when he offered a petition to the Court, requiring a further search to be made on board the brig. This petition and the answer of the Court are hereunto annexed.

On the 5th, the Court having ordered an exact return of the number of casks, quantity of farinha, &c., on board the brig to be made, and having also requested the Imperial Government to cause an examination, by the artificers of the Arsenal, of the alleged existence of the fittings for a slave-deck on board the brig, the Captor's proctor (the defence herewith subjoined, in translation, having been given in on the 10th) declared that he would not allege any thing in support of the accusation, as regarded the former of these inquiries; and on the 14th he presented a paper, of which the enclosed is a translation.

The Court, without waiting for the report of the artificers, which thus became superfluous, immediately ordered the proceedings to be closed, and on the 15th the two Commissary Judges signed the sentence, declaring the "*Nova Aurora*" to have been unlawfully detained and to be a bad prize, and ordering her immediate restitution to her rightful owners, leaving them at liberty to claim a valuation of the damages which they may have a right to demand.

(Signed) GEORGE JACKSON.
FRED. GRIGG.

Fifth Enclosure in No. 230.

Deposition of Edward Edwin Morgan, mate, on presenting the ship's papers of the Brazilian brig "Nova Aurora," and ratifying the captor's declarations, viz.:—

THAT the captor, Commander Christie, was duly authorized to capture Brazilian vessels engaged in the traffic in slaves in virtue of the Conventions between Her Britannic Majesty and His Imperial Majesty; and on being asked by the Brazilian Commissary Judge whether the captor, besides the instructions which ships of war authorized to detain vessels employed in the traffic of Africans ought, according to the same Conventions, to carry, had any other instructions or orders to detain Brazilian vessels on their leaving the ports of Brazil destined for the coast of Africa without slaves being found on board, he replied that he was not certain, but that he thought that the Commander had other orders besides the instructions to which the Conventions refer to detain whatever Brazilian vessels may be about to engage in the traffic of Africans, whether they be found on board or not. He added that they got sight of the captured vessel about noon on the 25th, that the chase lasted till nightfall, that they then lost sight of her till the following day, when they again saw and took her after firing two guns and several muskets with blank cartridge; that the 15 passengers mentioned in the declaration

were some white and some black; that he did not know the number of each, but that they were all on board the sloop "Rose" when he left Bahia, and that he brought with him four individuals, viz. the captain, mate, and the boatswain, white men, and the cook, a black.

Sixth Enclosure in No. 230.

Declaration of the Prize Officer.

Rio de Janeiro, March 22, 1841.

To the Commissary Judges of the British and Brazilian Mixed Commission Court.

THE undersigned, Edward Edwin Morgan, mate, belonging to Her Majesty's ship "Rose," and prize officer on board the detained Brazilian brig "*Nova Aurora*," declares that being, on the 20th instant, asked by the Brazilian Commissary Judge if the commander of the "Rose" had any specific orders to detain Brazilian vessels not having slaves on board, but only on suspicion of being engaged in the Slave Trade, and the undersigned having answered that he believed the said commander had such orders; the undersigned, on now reflecting upon that question and the reply, feels that whatever point might have been in view by such a question after the written declaration sent into the Court by the said commander, that, at all events, his answer was not sufficiently explicit to prevent an improper and unjustifiable inference.

In the first place, the undersigned, from his rank and station on board Her Majesty's ship "Rose," cannot be conversant with the orders under which the commander of that vessel acts; and, in the second place, his declaration that he *believed* Captain Christie had specific orders, although not positive, still induces the probability that the detention of the "*Nova Aurora*" was not the consequence of a direct operation of the Treaties, but of a specific order. Therefore the undersigned wishes to avoid this doubtful interpretation of his reply, and having, since it was given, ascertained that other vessels besides the "*Nova Aurora*" have been brought before this Commission Court under similar circumstances, and one of which was condemned under the Slave Treaties with Brazil, the undersigned now feels convinced that it must have been under Captain Christie's interpretation of those Treaties that he detained the "*Nova Aurora*;" and consequently the undersigned is desirous to record the following correction of his answer to the question from the Brazilian Commissary Judge above referred to:—

Answer.

"I have no positive knowledge as to any or what orders Captain Christie has for capturing vessels under the Brazilian flag bound to or from Africa, but I believe that he acts under the authority of the Slave Trade Treaties."

(Signed) EDWARD EDWIN MORGAN, *Mate.*

Seventh Enclosure in No. 230.

Further Declaration of the Prize Officer.

THE prize master, Edward Edwin Morgan, being asked with reference to the statement at the foot of the captor's declaration, said to be made by one of the passengers, whether he was present when such statement was made, replied that he was not; he further deposed, on being desired to state what he knew respecting an individual on board, who was neither mentioned as passenger nor included in the muster-roll, that the master of the brig told Commander Christie, on going on board, that this individual was only discovered at sea after the brig had left Bahia, and that he could not throw him overboard; that he himself assisted at the search, but that he could not say what was the shape of the water-casks which were found in the hold, nor the number of those which were on board filled with spirits, and that he was not present when the master of the brig is said to have declared that he had no other casks on board than those on the deck.

Eighth Enclosure in No. 230.

Petition of the Captor's Proctor.

Rio de Janeiro, March 27, 1841.

Illustrious Members of the Mixed Brazilian and British Commission.

ROBERT HESKETH, proctor for Commander Christie, of Her Britannic Majesty's sloop "Rose," says, that inasmuch as the interest of the aforesaid Commander, as captor of the brig "*Nova Aurora*," requires that the contents of the hold should be examined, which cannot be done without removing on board of covered lighters part of the cargo in order to afford an opportunity of searching what may be stowed away with and under the water-casks, requiring at the same time that an officer on the part of the Mixed Commission, another on the part of the captor, and the master of the brig "*Nova Aurora*" assist at such search:

Wherefore he prays that you, Gentlemen, will be pleased to permit this search, prolonging the time already granted (namely, the 26th instant) for this purpose for him to lay before this Commission proofs which may justify the detention of the said brig "*Nova Aurora*," beyond what has been already alleged.

(Signed) ROBERT HESKETH.

Answer of the Court.

Rio de Janeiro, April 1, 1841.

THE Commission has no power, in virtue of the Convention and of the Instruments annexed, to grant the permission prayed: if, however, the petitioner, acting upon the analogy of the eighth Article of the Instructions, wishes to make the said search, the Commission offers no objection, the

responsibility of the act, however, resting strictly with the captor, considering the consequences which may result therefrom. For this purpose they grant till the 5th instant, in order to his presenting his allegations to this Commission.

(Signed) CARNEIRO.
G. JACKSON.

(A true translation.)
(Signed) JOZE AGOSTINHO BARBOZA, Jun.,
Interpreter to the Commission.

Ninth Enclosure in No. 230.

Claimant's Defence.

Illustrious Members of the Mixed Brazilian and English Commission.

Dr. Manoel Pereira da Silva has the honour to present the defence of the Brazilian brig "*Nova Aurora*," which he begs that you, Gentlemen, will be pleased to order to be added to the "autos" for final sentence, with the accompanying documents all duly sealed.

(Signed) DR. JOAO MANOEL PEREIRA DA SILVA.

Rio de Janeiro, April 10, 1841.

Joaquim Jozé dos Santos Mathado and Brother, Brazilian subjects, well-known merchants of repute in the city of Bahia, not only on account of their fortune, honour, and probity, but also of the eminent services which they have rendered to the Imperial throne of Don Pedro II. and to the integrity of the empire—services of such a nature and of such importance as that the government of Brazil has held them in high consideration—are owners and proprietors, by inheritance from their father Manoel Jozé dos Santos, of the national brig "*Nova Aurora*," as well as of other property, as is proved by the annexed document, No. 1.

With the intention of sending their brig in lawful trade to the coast of Africa, they put her up publicly on freight, which they succeeded in obtaining, as is seen by the manifest in the appendix, with which the different bills of lading in the "autos," the cargo-book, and sundry invoices, agree; the whole cargo having been legally despatched through the different forms of law, and paid the respective duties to the Brazilian nation, as shown by the custom-house clearance.

Having, in fact, obtained the necessary despatches to enable her to proceed on her voyage, such as her passport, list of crew, manifests of cargo, clearances, bill of health, anchorage duties, police certificate, letter of orders, the authentic declaration signed by the legal authorities that everything was in order, muster-roll, all which were found on board, and are in the "autos," and which for greater legality they caused to be signed by the English Consul in that city, and giving, finally, security, or the act of responsibility required by the provincial government not to engage in unlawful traffic, as is also proved by the appendix, the brig, under the command of a Brazilian citizen, João Jozé Peixoto, was enabled to sail from Bahia on the 22nd of February of the present year, after having been subjected to the visit of the register boat, and having in every way conformed to the law.

On the 27th, however, the brig, instead of proceeding on her voyage, re-enters the port whence she sailed, the colours of Great Britain, instead of the Brazilian arms, under which she went out, hanging from the mizen. The English corvette of war "Rose," Commander P. Christie, leaving Bahia on the 24th, and coming in sight of the brig on the following day, chased, detained, and sent her back. They had hardly anchored when the captor took all the crew and passengers out of the brig and trans-shipped them on board of the corvette under his command, as is proved by the declarations in the aforementioned appendix, on purpose, perhaps, that they might not assist at the examination and search to which he was about to proceed, and without so much as showing her captain the instructions with which he was furnished, and which might have authorized the detention—instructions required by the additional Convention of 1817, and which were not even presented to this Tribunal of Mixed Commission, notwithstanding they were called for by the Brazilian Judge, who received for answer from the prize-master, Edwin Morgan, that he believed that Commander Christie had them.

The captor then, disregarding the representations of the most excellent President of the Province of Bahia—representations which, as being very weighty and legal, are subjoined to this argument—ordered the brig to be unloaded, to look, as he said, for indications of her employment in illicit commerce, and to proceed to a minute search, trans-shipping part of the cargo on board the corvette and placing part on the deck of the brig herself, to the great detriment, as well of the goods which she carried, and which consisted of tobacco, piece goods, rum, &c., as of the vessel herself. It is to be remarked, that at no act of this search did Captain Peixoto assist, nor any person whatever belonging to the brig; and, after it was completed, Commander Christie ordered the cargo to be replaced and put in order afresh, which was also done in the same manner.

On the 4th of March, when it was the current opinion at Bahia, from the reports which had transpired from on board (notwithstanding the crew and passengers having been kept without communication, and of the secrecy and mystery which, by special order, reigned there), that no indication having been found in the brig such as the captor commanding sought for with such care and pertinacity, she would be released to continue her voyage, the captor, to the great surprise of all the inhabitants and of the Brazilian authorities, particularly of the President, who had made representations on this subject to the Government of His Majesty the Emperor, ordered the brig to weigh anchor, after having let all the passengers and crew, with the exception of the captain, the mate, the boatswain, and the cook, go free, and putting on board a prize-master, ordered her to proceed to Rio de Janeiro, where she arrived on the 17th, and was brought to trial before the Tribunal of the Mixed Brazilian and English Commission, to whom, with all due respect, we proceed to submit our argument.

First and foremost, we must discuss the legality not only of the visit, but also of the detention of the brig, considered in a general point of view, with relation to the treaties contracted between the crown of Brazil, to which the captured vessel belongs, and the British nation, to which the capturing corvette belongs. The facts which we have faithfully related, and which are proved by the documents

in this process, we will take for our basis, without at present referring to the motive which induced Captain Christie to commit the act of detention, which we will discuss further on in its proper place.

By the treaty of the 23rd of November, 1826, it is stipulated that in order to put an end to the traffic in slaves between Brazil and the ports of Africa, the two nations agree to adopt the Treaty existing between Portugal and Great Britain of the 22nd of January, 1815, and the additional Convention of the 28th of July, 1817. Now, in the fifth article of this Convention we read as follows:—"The ships of war of both royal navies which shall be provided with the special instructions annexed to this Convention may visit such merchant vessels of the two nations as may be suspected, upon reasonable grounds, of having slaves on board acquired by an illicit traffic, and (in the event only of their actually finding slaves on board) may detain and bring away such vessels in order that they may be brought to trial," &c.

And in the first article of the Instructions annexed to this Convention, and intended for the commanders of the ships of war, we read—"every ship of war shall have a right to visit the merchant ships of either of the two powers, actually engaged, or suspected to be engaged, in the Slave Trade," &c.

The brig in question, however, having sailed from Bahia on the 22nd of February, having been seen while loading in that port, been legally despatched, and her despatches, for greater proof, having been presented in the English Consulate, and the corvette sailing, as it appears, on purpose, on the 24th, detaining her on the 26th, it is beyond all doubt that there could not be a reasonable ground for suspicion of her being engaged in the traffic in slaves; the interval, only three days, being so short, and consequently it is most evident that Commander Christie violated, by visiting her, the Treaty in the articles which we have above cited; nor can he plead ignorance in view of the seventh article of the above-mentioned Convention, which directs that the cruisers shall be furnished by their Governments with a copy of the instructions, of which we have cited the first article, which was infringed by this very act; and let it be here observed that this reasonable ground for suspicion, spoken of in the Treaty, can only exist on board a vessel coming to Brazil from the African ports, because they are the only ones that can have carried on, or be carrying on the traffic, and in no manner on board a vessel bound outward with licit cargo, and with lawful despatches, though she may be destined for the coast of Africa or for any other part. If this right of visit were discretionary, at the will of the cruisers, great prejudices might result to licit commerce, which could never have been the intention of the authors of the Treaty.

Besides this illegal visit other acts were also practised, in contravention of the same Treaty, and which are of still graver consequence and of greater importance.

Commander Christie having visited the brig, and not having found slaves on board her for the traffic—how, by what right could he detain her? We have already transcribed the closing part of Fifth Article of the Convention—we will now transcribe other Articles on the same subject.

"Article 6. Cruisers shall not detain any slave-ships not having slaves actually on board; and in order to render lawful the detention of any ship, the slaves found on board such vessel must have been brought there for the express purpose of the traffic."

Article First of the Instructions—"Ships on board of which no slaves shall be found, intended for purposes of traffic, shall not be detained on any account or pretence whatever.

By the perusal of these Articles it becomes clear and evident that the act of detention was entirely arbitrary, and, what is more, an offence against the law of nations, which demands respect; and against the letter of the Treaties existing between His Imperial and Her Britannic Majesty, and which not only both Governments but also the commanders of the ships-of-war, whether Brazilian or English, are bound to fulfil and to cause strictly to be fulfilled, as the Fifth Article expressly determines when it says (the latter) "shall adhere strictly to the exact tenor of the Instructions annexed to this convention.

It is also to be noticed, that even after these illegal acts of visit and detention the captor commanding violated the Second Article (the First) of the same Instructions, with which he ought to have been furnished, where he is directed, after having detained a vessel, to bring her as soon as possible for judgment before the Mixed Commission. What, however, did the captor commanding do when he had detained her? He took her again to Bahia—and there, under pretext of instituting a more minute search, he stopped five days; and this he did in the absence of the captain, crew, and passengers of the vessel, whom he transhipped on board the corvette. How could such an examination, such a search, be considered as *bonâ fide*, the captor—that is to say, one of the parties interested—being the only person present? Might it not be suspected that, having taken possession of the brig, and removed from the scrutinizing and cautious eyes of the prisoners, the captor would endeavour to put on board some objects or other which might compromise the detained vessel, not indeed with a view to cause the loss of the same, but only as a personal salvo to justify the act of detention which he had so unreflectingly practised?

Moreover, besides the illegality of such a search, of its total invalidity in law, of the little or no credit which could be derived from it, even had the captor commanding declared that he had found on board the brig articles to compromise her, which happily he did not declare, it could not take place in virtue of the Article already cited above, inasmuch as what Commander Christie ought to have done as soon as he detained the vessel, was to have proceeded with her immediately to Rio de Janeiro, in order to bring her for judgment before the Mixed Brazilian and English Commission; and if by any unexpected and over-ruling accident he was obliged to go to Bahia, he ought then to have conformed to the stipulations of the Second and Third Articles of the Instructions, which direct that supposing the visit to be effected, if the vessel is within the port, or within reach of the batteries of either of the two nations, proper representations may be addressed to the local authorities of the country, as the President of the province very properly required in his note to the Consul of Her Britannic Majesty of the 3rd of March, subjoined, No. 2.

It was only after all these facts, which followed one another as if in express contempt of the Treaty, that the commander of the "Rose" determined to send the brig "*Nora Aurora*" to Rio de Janeiro. And as he affirmed at Bahia that he had found on board such indications as left no doubt in his mind that she was employed in the traffic of slaves, so here he declared before this Mixed Commission, before this respectable tribunal, on bringing her before the same by the channel of the individual Edwin Morgan, who was charged with the management of the brig, and the documents and papers found on board her, that on the 25th of January, at noon, he saw the brig, and, giving chase, detained

her on the following day, latitude 13° 7′ 57″, longitude 37° 50′; and that not being able to examine her there he took her to Bahia, whence in consequence of the indications of her employment in the traffic resulting from the visit and search which he there made he sent her to this Commission, grounding himself on the following motives :—

1st. For having found a blunderbuss, 15 muskets, 3 pistols, and some swords, arms not mentioned either in the manifest or clearance, and therefore a violation of the instructions of the Imperial Government of the 25th of November, 1839, the brig being thus illegally armed.

2ndly. For having found a running tier of 14 casks or pipes for water under the fore part of the deck, besides some smaller ones.

3rdly. For having found a number of casks filled with a kind of ordinary rum, which he suspects to be for water on the return voyage.

4thly. For having found a quantity of loose farinha, about 11 sacks, and some rice, which not being declared in the manifest, there existing besides poultry, pigs, and other live stock, he could not think was intended for the support of the crew, but for slaves to be brought on the return.

5thly. For having found some suckers, which are used only on board of slave-ships.

6thly. The brig being fitted for a second, or slave-deck, all round the hold.

7thly. The black, João Pereira, who was on board the brig during the chase, having declared that he saw irons and papers thrown overboard.

But for deference towards this tribunal, to whom we owe consideration and respect, we should certainly abstain in this place from discussing the weight of the indications offered by the captor, not only because, even though they were well founded, it would not be necessary for us to take up time, considering the proofs which we have already presented derived from the existing Treaty between Brazil and Great Britain which authorises detentions only in case of finding slaves on board for the traffic, which Treaty is the only one which guides us—the only one to decide this question, but also because in truth these indications presented by the captor commanding are the most insignificant, the most miserable that can well be imagined—they are such as were not even deserving of the honour of figuring among the number of those pointed out by Lord Palmerston in the Bill which he offered to the English Parliament, and which has lately been adopted by it, and sanctioned by Her Britannic Majesty's Government; moreover this Bill, besides appearing to us as violating the most obvious principles of the law of nations and the guarantees of an independent nation, is in no way applicable to Brazilian merchant-ships, and solely to Portuguese vessels; against which it is especially and expressly directed, as the very wording of it demonstrates.

The first of the reasons pointed out, even if these arms did exist on board, cannot in any manner avail, since, in the first place, it behoves the Brazilian authorities to watch over the execution of their own laws; and the Brazilian Government has not yet given authority to English ships of war to cause to be fulfilled that which is ordained by law for the public and internal security of the country; it not belonging to Commander Christie to know whether the brig did or did not come within the penal purview of the instructions of the 25th of November, 1839. In the second place it is right to observe that these arms were loose, without flints, some incapable of being charged, and some of being fired off, old and worn out, so that the vessel cannot in good faith be said to be illegally armed, so much so that there was no powder on board, which shows sufficiently that these arms were not in use. All this is proved by document and by testimony.

The second reason is there having been found a greater quantity of water on board than, in the opinion of Commander Christie, was required for the vessel; be it remembered that the crew and passengers consisted of 33 persons, as stated in the captor's declaration, and for a long voyage the number of 15½ pipes of water, which is the quantity found and ascertained to be on board, as also 11 sacks of farinha, 6 alqueres of rice, and the stock, cannot appear to be too much, taking into account also the animals spoken of by the captor, and which it was necessary to feed.

As to the quality of the rum it was of from 18 to 20 degrees, and we cannot understand the supposition of the commander that pipes full of such rum could be destined for water on the return—a supposition as groundless as it is gratuitous.

The suckers to which the captor paid such attention were only 4; and this small number attracted the notice of Commander Christie so much that he at once supposed they were for the use of slaves on the return. We will not here also omit to remark the suspicious existence of his 6th motive, the knees of the vessel, according to the Brazilian mode of construction—for this brig was built at Camanu—appeared to him to be fittings for a second, or slave-deck, and he at once ascribed a natural and usual fact to a sinister and reprobated intention.

The fact which the captor alleges finally, that the passenger, João Pereira, had communicated to him, that during the chase irons and papers were thrown over from on board the brig, is entirely false. This passenger was one of those who were let go free at Bahia: he swore in the Appendix of which we have already spoken, and there asserted that he was invited to state similar facts to these in order to justify the captor, many insinuations and promises having been made to him, all which he resisted. Thus the falsehood of this allegation of the captor is proved; and it is to be observed that if this allegation were true, doubtless Commander Christie, for it would have been his duty so to do, would have brought this João Pereira before the Mixed Commission, there to depose to this fact; how then did he by his own act let him go free? Certainly because his deposition, which would prove the falsehood of the allegation made up by the captor, did not suit the latter.

To these observations are to be added those which the justification in the document No. 2 may afford us—a legal justification, made before the English Conservatorial Court at Bahia, the Consul of Her Britannic Majesty being previously cited, at which he assisted, and which was followed by the depositions of eight concordant witnesses, viz., the passengers and crew released by Commander Christie—a justification confirmed by sentence of the competent magistrate with full force of law, having passed through the Chancery without being embargoed. Let the complaints of these poor unfortunate men, of the persecutions which they suffered, of the insults which were directed against them, of the blows even which some received, be read: this last is horrible, not only with regard to the sentiments of humanity, which ought to exist in all well-regulated hearts, but also to the Seventh Article of the Instructions to Cruizers, which directs that the search shall be made in the most mild manner, and with every attention which is due between allied and friendly nations.

Who can in cold blood read the sworn narrative and the entire deposition of each of these prisoners, to whom at first a thousand promises and motives of seduction were addressed, to declare

that the vessel was destined for the traffic in slaves; and as they would not make this declaration, because it was contrary to their consciences, their boxes were broken open, they were robbed of their money, their linen was stolen from them, and they themselves afterwards set destitute on the shores of the city of Bahia? We would wish ourselves not to speak of these facts; we would wish to cover them with an eternal veil; unhappily, however, there they are, proved and sentenced by a final judgment.

No! we doubt not but that the captor was first actuated by the desire of fulfilling his orders; but he exceeded all the rules which, whether by the law of nature, by the laws of his own country, or by the orders and instructions of his own Government, were strictly marked out for him. And in view of such facts, and seeing similar acts practised, can this prize be legalised?—can she be considered a good prize? Certainly not. And even were the indications the strongest, were such suspicions not the necessary result of the conduct of the captor, which take away all moral force from his allegations, could we gather from the objects found on board the brig the full presumption that she was destined for the traffic, besides that indications, in the language of jurisprudence, never produce a proof, neither the Treaty authorised her detention, nor was Lord Palmerston's Bill applicable to her, nor do the criminal laws of the empire at present bear any reference to her, inasmuch as this fact would merely prove that there were indications to commit a crime, the commencement of its execution, however, being wanting by the absence of slaves on board, and of the intention to land them on the coast of Brazil, in order to its being classed in this manner conformably to the doctrine of the 1st article of the penal code of the empire.

In view then of these reasons—in fulfilment of the Treaties, which should be religiously observed—in furtherance of justice, which in everything should be consecrated—in the name of the dignity of this respectable tribunal, which has been in some sort disregarded by the delay of the vessel at Bahia—in the name of the honour of the Government of Her Britannic Majesty, which must necessarily disapprove of acts so horrible and excessive that they cannot be considered as authorised by them—in the name of the dignity of the Government of His Majesty the Emperor of Brazil, which was openly attacked by the visit and prolonged detention of a brig, the property of one of his faithful and respectful subjects—we petition the members of the Mixed Brazilian and English Commission that they will be pleased as soon as possible to pass sentence of acquittal on the Brazilian brig "*Nova Aurora*," in order that, obliging the captor to desist from his pretensions, she may be released from the detention which she has suffered and be delivered over at once to her owners; and the Government of Her Britannic Majesty be bound to pay, in conformity to the 1st and 2nd Articles of the Regulations of the Mixed Commissions, and within the space of one year, conformably to the 6th Article of the same, a just and complete indemnity for the losses sustained, profits forfeited, prejudices due, and legal interest—for all which protest was entered at the city of Bahia, which we now hereby ratify in observance of and according to the usage of our rights.

(A true Translation.)

JOZE AGOSTINHO BARBOZA, Jun.,
Interpreter to the Commission.

Tenth Enclosure in No. 230.

(Translation.) *Argument of the Proctor's Captor.*

COMMANDER CHRISTIE, of the British corvette "Rose," begs to represent to you, Gentlemen, by his proctor, the motives which induced him to capture the Brazilian brig "*Nova Aurora*," which capture is now submitted to your decision.

It is known that, notwithstanding the prohibition of the traffic in slaves in Brazil, vessels are yet constantly equipped for this illicit traffic, either under a foreign flag, or under the national flag, variously disguised.

The Portuguese flag has been that which has been most employed to cover similar frauds; but now that the government of Her Britannic Majesty, conjointly with that of Her Most Faithful Majesty, have taken the necessary precautions to neutralize the frauds of such speculators, many Portuguese vessels having been taken on suspicion of being engaged in such traffic, new frauds have been contrived by the speculators, always impelled by the hope of gain. Hence it is that of late Brazilian vessels have been employed in this traffic, under the disguise of having lawful cargoes for the ports of the coast of Africa.

The frauds of the speculators in new Africans being thus so numerous and so diversified, what ought to be the proceeding of the cruizers? If they disregard the indications which lead to the truth—if those circumstances which reveal, or may tend to reveal, the fraud be unheeded by the cruisers, such commerce is encouraged and gains strength—the laws and the treaties which prohibit it become useless and without effect; wherefore it is fit that those having the execution thereof, those charged with giving effect to the stipulations of the treaties and of the laws, should not disregard any of those circumstances which may manifest the simulated character and fraud of the navigation of any vessel bound from Brazil to the Coast of Africa.

In the present case attention should be paid to the fact, that the Brazilian brig "*Nova Aurora*" was bound with a cargo for the coast of Africa. The simple fact of her voyage induced suspicion, there being now no other trade between Brazil and the coast of Africa but that for slaves, inasmuch as the productions of the coast of Africa are yet of such small amount as to afford employment only for an occasional vessel.

To this is to be added the fact, proved in the process, that no manifest was found of the cargo on board, nor can the subterfuge of the captured, in this respect, justify them. First, because it is not credible that the custom-houses of Brazil should allow vessels and cargoes to be cleared without a manifest, that being the document which proves the legality of the cargo, and without which many frauds would be admitted and authorised to the prejudice of the public revenue, even in regard to the produce of the country, because the vessel might carry goods, despatched as for the coasting-trade, to foreign countries, receiving them by trans-shipment when at sea; and even any pirate, having plundered vessels at sea, might enter our ports with the cargoes of the same, as belonging to himself; and these are evils which all nations have endeavoured to avert by the manifest. And how is it pos-

sible to admit that vessels laden for the coast of Africa should be despatched at Bahia without manifests, when at Rio de Janeiro, and in every other port in Brazil, no such course is admitted? The laws which regulate the fiscal departments at Bahia are the same which regulate the other departments of a province of the empire, and, if they are the same, how is this gross evasion presented by the captured to be admitted? To admit such an evasion, it would be necessary to assume the prevarication of all the persons in office in that province, which would be iniquitous. In the second place, the reason advanced by the captured, in order to justify the want of the manifest, namely, that the authorities of that province are satisfied with the cargo-book, is also inadmissible: First, because this cargo-book presents nothing authentic to prove its legality. It is not collated or certified by the competent authority, and, therefore, does not constitute any proof whatever. In the second place, it is established by the said cargo-book that the "farinha" found on board was not entered in the cargo-book, which is a proof of its illegality. The said book, then, not being authentic, and not containing the whole cargo, exposes the fraud and simulated character of the voyage.

For these reasons it is evident that the captor had valid grounds for capturing the vessel, inasmuch as it was to be suspected that she was intended for the traffic in slaves; and if the captors have not been able to present other proofs, it is because such speculators, like all other criminals, always endeavour to destroy and conceal all those circumstances which may unmask their connexion with the crime, thus rendering the proofs difficult, for which reason the judges, in such cases of crime, should recognize the indications as the most proper proof for the decision of such questions. Wherefore the captors hope that you, Gentlemen, with the "autos" before you, will decide this question with the justice which characterises you.

(Signed) ROBERT HESKETH.

(A true translation.)
(Signed) JOZE AGOSTINHO BARBOZA, Jun.
Interpreter to the Commission.

Rio de Janeiro, April 14, 1841.

No. 231.

Her Majesty's Commissioners to Viscount Palmerston.

Rio de Janeiro, May 15, 1841.

MY LORD, (*Received July* 9.)

THE Brazilian Commissary Judge having transmitted a copy of the sentence of this Court on the "*Nova Aurora*" to his Government, has received a Despatch from the Minister for Foreign Affairs, acknowledging its receipt, and stating that His Excellency had sent a copy of the same to the President of the Province of Bahia, calling, at the same time, his attention to the irregularity of the passport with which the brig sailed from that port, noticed at the close of the sentence, "in order that he may take such steps as he may judge necessary to avoid the repetition of like irregularity in similar cases."

Of this reply of the Minister we have the honour to enclose herewith a copy and translation.

In forwarding our copy of the sentence to Her Majesty's Chargé d'Affaires, we took occasion to suggest to him the expediency of recommending great caution to Her Majesty's consular agents in this empire in giving certificates to Brazilian vessels sailing from the ports where they reside.

This suggestion was induced by finding among the ship's papers of the "*Nova Aurora*" two attestations to the hand-writing of the President, and of another of the authorities at Bahia, which, though in fact nothing more than a recognition of their signatures, were eagerly laid hold of by the claimant's proctor in this case as a further proof of the legality of the vessel's papers. Nor is it at all improbable that the sight of the signature of a British Consul might produce such belief in a boarding officer, in the first instance, and induce a less degree of caution by at once throwing him off his guard. We are glad to find, by Mr. Ouseley's reply, that he coincides with us in this opinion, and that he has written to Mr. Consul Porter accordingly.

We have, &c.
(Signed) GEORGE JACKSON.
FRED. GRIGG.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

Enclosure in No. 231.

(Translation.) *M. Aureliano to the Brazilian Judge.*

Palace, April 22, 1841.

I ACKNOWLEDGE the receipt of your despatch of the 17th instant, enclosing a copy of the sentence pronounced by the Mixed Commission, adjudging the detention of the national brig "*Nova Aurora*," by the English corvette "Rose," a few days after the former sailed from Bahia, to be illegal, and ordering her to be released, and to be delivered to her lawful owners; and I have to signify to you, in reply, that I have this day sent an order to the President of the province of Bahia, transmitting to him a copy of the same sentence, which is going to be published in this city, for his information, and calling his attention to the irregularity of the passport with which the brig sailed from that port, in order that he may take such steps as he may judge necessary to avoid the repetition of like irregularity in similar cases.

God preserve you, &c.

(Signed) AURELIANO DE SOUZA E OLIVEIRA CONTINHO.

To Snr. João Carneiro de Campos.

(A true copy.)
(Signed) BRAZ MARTINS DA COSTA PASSOS, *Secretary.*

(A true translation.)
(Signed) JOZE AGOSTINHO BARBOZA, Jun.,
Interpreter to the Commission.

No. 232.

Her Majesty's Commissioners to Viscount Palmerston.

Rio de Janeiro, May 17, 1841.

MY LORD, (*Received July* 9.)

WE have the honour to enclose to your Lordship herewith translated extracts from such parts of the Reports of the Ministers for Foreign Affairs and of Justice as relate to the question of the Slave Trade.

The tenor of the first of these documents appears to us to be exceedingly unsatisfactory; but, as it is possible that the communications made to Her Majesty's Legation on the subject of the additional articles and the other measures in contemplation with reference to the Slave Trade may be less so, we will not trouble your Lordship with any comments on the language used by the Brazilian minister in his Annual Report, and will only remark, with reference to his enumeration of the cases adjudicated, that two of them, viz., the "*Providencia*" and the "*Africano Afrevido*," were included in the Report of his predecessor of last year, and that the particulars of the capture of the former vessel are not accurately given. The error relates to the locality of the capture, which was made at sea to the northward of Pernambuco, and not in that port, as may be seen by a reference to our report of that case.

The Report of the Minister of Justice has little of novelty in it, recording only the inefficacy of the means hitherto employed against the traffic, and the inveterate prejudices of the greater part of the agricultural population of Brazil in its favour.

The President of St. Paul's, in reply to the circular to which this Report refers, has maintained this view of the question, and has, we understand, gone into it at much length in a paper said to be drawn up with great care and ability, and which he concludes by an unreserved avowal of the difficulty, if not impossibility, of rendering effective the stipulations of the law of the 7th of November, 1831.

With regard to the concluding paragraph of the Report of the Minister of Justice, touching the execution of the sentences of this Commission, we beg leave to enclose herewith for your Lordship's information the copy of a letter which we thought it our duty to address to Her Majesty's Chargé d'Affaires, detailing the proceedings had in the recent case of the "*Asseiceira*," after the sentence of this Court, declaring certain individuals to have been concerned in that adventure, and as such to have incurred the penalty of the First Article of the Convention of the 23rd of November, 1826, had been transmitted to the Municipal Judge for execution.

We have, &c.

(Signed) GEORGE JACKSON.
FREDERICK GRIGG.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

First Enclosure in No. 232.

Translated Extract from Report made by the Minister for Foreign Affairs.—Mixed Brazilian and English Commission.

THE Mixed Brazilian and English Commission instituted at this Court, in virtue of the Fourth Article of the Convention of the 23rd of November, 1826, for trying cases of contraband in Africans, adjudicated in the past up to the present year the following vessels:—

Patacho, "*Providencia;*" Brazilian galliot, "*Alexandre;*" Patacho, "*Paquete de Benguela;*" a large canoe with Africans on board; Portuguese brig, "*Asseiceira;*" pilot-boat, "*Africano Atrevido;*" and the Brazilian brig "*Nova Aurora.*"

The first of these vessels was taken by the Brazilian brig of war "Constança," who, finding her abandoned at Pernambuco, captured her from indications of having landed slaves in the island of Itamaracá. The Commission did not take cognizance of her, on account of not finding documents to prove that she was fitted out and despatched from the ports of Brazil, or that any Brazilian subject, or even a subject of any other nation residing in Brazil, was concerned in the adventure.

The second (the galliot "*Alexandre*") was taken by the English brig of war "Grecian," on her way from this port to that of Campos, on suspicion of being employed in the illicit traffic. The Commission, by its sentence of the 10th of September of last year, ordered her to be released and given up to her owners, with the right of indemnification for the unjust detention, it being proved that she was employed solely in licit trade.

The third ("*Paquete de Benguela*"), taken by the English brig of war "Wizard" with 274 Africans on board, was condemned by the Commission, and the negroes found in her were emancipated, in conformity to the Convention of the 28th of July, 1817.

The fourth (viz., the canoe) was captured by the Brazilian schooner of war "*Primeiro d'Abril,*" crossing from the port of Ilha Grande called Abrão with 47 Africans. The Commission did not take cognizance of her, it not being competent for it to do so, because she was boarded by the aforesaid schooner after she had already touched ground near some rocks, being thus without the sphere of the said Commission.

The fifth (the Portuguese brig "*Asseiceira*"), captured by Her Britannic Majesty's brigantine of war "Fawn" with 323 Africans on board, was condemned by the Commission, according to the existing stipulations emancipating the negroes.

The sixth (the pilot boat "*Africano Atrevido*") was taken by the military authorities of the port of San Francisco in the province of St. Catherine's, from indications of her having been employed in the traffic in slaves. Of this the Commission did not take cognizance, it being competent only for it to adjudicate on detentions made by Brazilian or English ships of war, in conformity to the first article of its instructions.

Finally, the seventh (the Brazilian brig "*Nova Aurora*") was captured by the English sloop of war "Rose" on leaving the port of Bahia, on suspicion that she was destined to the coast of Africa to engage in the illicit traffic. The Commission, finding no proof whatever to justify the detention, ordered her to be released and given up to her owners, leaving to them the right to claim indemnities for the losses suffered, as has been practised with respect to other vessels whose owners or shippers have in fact claimed them: for example the master of the brig "*Pompeo,*" to whom, by sentence of the Commission of the 9th July of last year, they were granted to the amount of 38,627,303 Rs., reckoned from the day of the detention, besides the interest of five per cent. on this sum for whatever delay might occur in its payment; and the owners of the galliot "*Alexandre,*" the process of whose indemnities claimed is now pending before the Commission.

It has come to the knowledge of the Imperial Government, although not officially, that certain English cruizers having captured vessels engaged in the illicit traffic of Africans have sent them direct to the colonies of Demerara and the Cape of Good Hope, without bringing them for trial before the Mixed Commissions, to whom by the Treaties the cognizance of such cases belongs. After having obtained the necessary information on this subject, the Government will not fail to take it into its most serious consideration in the proper manner, and conformably to the due execution of existing Treaties, the stipulations of which the Government of His Majesty the Emperor will be always very zealous in seeing scrupulously complied with.

The Chargé d'Affaires of Her Britannic Majesty having urged, on the part of his Government, the adoption of the additional articles to the Convention of the 23rd of November, 1826, which having been formerly signed by plenipotentiaries of the two nations were laid before the Chamber of Deputies, the Imperial Government, although it entertains the sincerest desire to adopt such measures as may render effective the abolition of the traffic, has, nevertheless, from a wish to do so with every circumspection and prudence, in order not to expose the licit commerce of the empire to vexations and abuses, occupied itself in this matter with the mature deliberation which it calls for, and will continue to pay serious attention to it, and to forward it, so as adequately to obtain a fitting result, to the reciprocal satisfaction of both Governments, whose friendly relations it is very desirous to cement.

(A true translation.)
(Signed) JOZE AGOSTINHO BARBOZA, Jun.,
Interpreter to the Commission.

Second Enclosure in No. 232.

Translated Extract from Report made by the Minister of Justice.—Traffic in Africans.

SIX vessels have been tried and adjudicated by the Mixed Brazilian and English Commission from the 27th day of March, 1840, to the commencement of the present month, viz.:—

The pilot-boat, "*Africano Atrevido;*" Patacho, "*Providencia;*" Brazilian galliot, "*Alexandre;*" Patacho, "*Paquete de Benguela;*" Portuguese brig, "*Asseiceira;*" and the Brazilian brig "*Nova Aurora;*" besides a canoe taken by the Brazilian schooner "*Primeiro d'Abril*" with 47 Africans, of

which capture the aforesaid Commission did not take cognizance, it having been made near the land. On board the Patacho "*Paquete de Benguela*" and the brig "*Asseiceira*," condemned by the Commission, 597 Africans were taken, who were declared free and emancipated, their services being hired out.

The measures taken by the Government on various occasions have not been able to prevent entirely the traffic in Africans, encouraged by the gain, by the conviction entertained by a very large part of our population that the ruin of our agriculture must be the necessary consequence of the cessation of this commerce, and finally by the constant acquittal of all such individuals as are accused of engaging in it. The most positive recommendations were recently addressed by the circular of the 1st of last March to the Presidents of the maritime provinces to employ all their activity and zeal to render effective the stipulations of the law of the 7th of November, 1831. I cannot but urge the necessity of settling the question proposed in the Report of my predecessor as to the doubts which have arisen with regard to the execution of the sentences of the Mixed Brazilian and English Commission.

(A true translation.)

(Signed) JOZE AGOSTINHO BARBOZA, Jun.,
Interpreter to the Commission.

Third Enclosure in No. 232.

Her Majesty's Commissioners to Mr. Ouseley.

SIR, *Rio de Janeiro, May* 5, 1841.

WITH reference to your letter, marked confidential, of the 22nd of March, giving your reasons for removing João Baptista Boisson from on board the "*Crescent*" to the French frigate, as also to your confidential note to the Brazilian Minister for Foreign Affairs of the 21st of that month, we beg to inform you that, that individual having been seen walking about the streets of Rio since the sentence of this Court declaring him to have incurred the penalty of the 1st Article of the Convention of the 23rd November, 1826, had been forwarded to the Municipal Judge for execution; and much uncertainty existing as to the result of the proceedings had against the other individuals pronounced by that sentence to have incurred the same penalty, we took the necessary steps, by means of a petition to the Justice of the Peace for the 1st District of St. Rita, to ascertain precisely what had taken place before that authority, and we are desirous of drawing, without loss of time, your most serious attention to the facts which the accompanying certificate, passed only this day, discloses.

It does not become us to enter into a discussion respecting the grounds on which the Justice of the Peace rests the sentence of acquittal, which he has pronounced with regard to all but Boisson, concerned in the case of the "*Asseiceira*," further than to observe that he appears to have attended principally, if not wholly, to the depositions, which, being chiefly those of suspected, not to say criminal, parties, could not be expected to have any other tendency than to exculpate and prove them to be free of all crime; whereas the basis of the sentence of this Commission is founded on circumstantial and collateral proof, drawn from the ship's papers, and other documents seized on board the vessel. But you will perceive from this document (in which it is somewhat singular to find one of the individuals cited, Jozé Bernardino de Sá, called only Jozé Bernardino) that the "promotor publico" himself makes no mention of the sentence given by this Mixed Commission, as condemnatory of the individuals therein declared to have incurred the penalty of the 1st Article of the Convention of the 23rd of November, 1826, and treats it only as a "denuncia" against them, as comprehended in the law of the 7th of November, 1831—with which law this Commission has no concern whatever, and of which the sentence of this Court said not one word—and confining its action solely to the condemnation of the vessel. This mode of dealing with the sentence reduces it to even less than the finding of a true bill by our grand jury: not merely is the right of the Justice of the Peace to decide upon the guilt of the parties recognized thereby, but it is still further left to his judgment to characterize the crime, for which, if at all, they are to be tried.

The decision, therefore, of this Court, as regards the guilt of individuals, is become a perfect nullity: violators of the 1st Article of the Convention of the 23rd of November, 1826, however notorious and clear their participation in the illegal traffic, can never be punished unless actually found on board the slave-vessel: the most guilty parties in the adventure will thus, as in the case in question of the "*Asseiceira*," often escape with impunity, and the fiat of the Justice of the Peace will proclaim to the public and to the Court, that against those condemned by it "*there exists not so much as an indication*" *of guilt.*

We need hardly point out to you, Sir, how fatally the views and dignity of the two high contracting parties to the above Convention are compromised by such a procedure as this, by which the declared will of two great empires, far from deterring offenders by a dread of the consequences of their malpractices, is set at nought, and laughed at as a solemn mockery: while those engaged in its execution, on the part of Her Majesty, become objects only of derision and contumely.

The most alarming feature of this proceeding appears to us to be the unhesitating acquiescence therein of the "Promotor Publico"—an officer specially appointed to vindicate the supremacy of the laws, and to watch over and maintain their inviolability—which is to be inferred, as well from his not appealing from the sentence of the Justice of the Peace to the jury, as he was entitled, if not bound to do, as from the very terms of his petition against the parties in this case, which, in fact, precluded the slightest chance of a verdict of guilty being returned against some of those whom he pretended to prosecute, or, indeed, against any person not found on board the vessel.

We have often, Sir, remonstrated against the sentence of this Court being made dependent upon that of any other tribunal: the Convention expressly declares that such sentences shall be without appeal. This principle has been fully recognized again and again, and more especially since you have had charge of Her Majesty's affairs at this Court; the executive, in relation to it, has declared *this* to be an exceptional tribunal, without the sphere of the ordinary tribunals of the country; the principle is acted upon, without demur or difficulty, as regards the vessels: whence, then, can a distinction be drawn between the property and individuals? The sentence of this Court suffices for the condemnation of the former; why should it not equally avail for that of the latter?

The opinion of the law-officers of the Crown, as conveyed in the Duke of Wellington's despatch to the British Commissioners, in reply to their inquiries respecting the measure of punishment to be awarded to the infractors of the 1st Article of the Convention of 1826, so far from unsettling, or giving any just ground for doubts on this point, must, we think, be taken, when rightly understood and considered with its context, and with the obvious intention of the parties to that Convention, to confirm the supremacy of the sentences of this Court; leaving, it is true, to the authorities of each country, respectively, to decide to what degree of punishment those found guilty by such sentences are amenable, in conformity with the laws there in force against piracy, but by no means to authorize the reversal of a verdict declaring the act of piracy to have been actually committed.

The question of admissibility to bail, which has again been decided in favour of Boisson, who is at large awaiting the further farce of the sentence of a jury, becomes, under the present view of the case, very secondary; and is, in fact, merged in the main question, which, we trust, you will think it right to bring under the consideration of the Imperial Government with all the earnestness which its importance seems to call for.

We have, &c.

W. G. Ouseley, Esq. (Signed) GEORGE JACKSON.
&c. &c. &c. FREDERICK GRIGG.

Fourth Enclosure in No. 232.

(Translation.) *Sentence acquitting Persons concerned in the* "Asseiceira."

To the illustrious Justice of the Peace of the First District of Santa Rita.

Thomas B. Hunt, Marshal to the Mixed Brazilian and British Commission, says that he requires a certificate of the tenor of the sentence which was promulgated on the individuals of the brig "*Asseiceira*," declared by the said Mixed Commission to have incurred the penalties of the 1st Article of the Convention of the 23rd of November, 1826; wherefore he requests that you will order the said certificate to be passed.

Let it be passed.

Rio, April 29, 1841. (Signed) MORA. COELHO.

I, Geraldo Jozé d'Abreu, Clerk *ad interim* to the Justice of the Peace of the First District of Santa Rita, &c., certify that in my possession and registry there exists a certain process of accusation instituted by justice against the criminal João Baptista Boisson, and others acquitted; and that, in the same registry, there exists also a sentence of the following tenor:—

The present proceedings being seen and examined, the criminal, João Baptista Boisson, and others, named in the petition of the "Promotor Publico," are accused as comprehended in the law of the 7th of November, 1831, for having been concerned in the illicit traffic in slaves, for which the brig "*Asseiceira*" was condemned by the Mixed Brazilian and English Commission. From the depositions of the witnesses, at pages 23 to 27, and following, and from the different interrogatories, and other documents thereunto annexed, there is barely to be collected proof that it was João Baptista Boisson who was at the head of the adventure declared to be illegal, seeing that, according to the documents at pages 21, 22, and 23, it is ascertained that he bought goods for the vessel, and from the depositions it is to be inferred that he purchased slaves, while there does not result so much as an indication against all the others accused, and much less against those who were not found on board of the vessel at the time of capture, who defend themselves very well by the complete absence of all proof in regard to them. In conformity thereto, I adjudge the said Boisson to have incurred the penalty of Article 179 of the Criminal Code, combined with the second paragraph of the 2nd Article, and with the 35th Article of the same code, and I commit him to prison. Let the clerk insert his (Boisson's) name in the list of the guilty, and let an order of imprisonment be made out against him, following in this respect what the law enjoins; and in respect to the others accused, Jozé Vieira Pimenta, jun., João Machado Cardozo, João Antonio da Silva Mellão, Wenceslão Joaquim da Silva, João Gomez Machado, João Pedro, Jozé da Costa Ferreira Guimarães, Manoel Ribeiro d'Abreu, João Jozé Pereira, Jozé Bernardino, Manoel Martins Machado, Amancio Nunes, and Jozé Joaquim da Silva Lisboa, I acquit them for want of proofs: let them, therefore, be declared not guilty, and let the order for their release be passed to those who are in custody, intimating this sentence to the "Promotor Publico."

(Signed) ANTONIO MOREIRA COELHO.

Rio de Janeiro, April 22, 1841.

Nothing more was contained and declared in the said sentence, which is herewith well and faithfully transcribed, which I have examined and subscribed with my name.

(Signed) GERALDO JOZE DE ABREU,
Clerk *ad interim.*

(A true Translation.) JOZE AGOSTINHO BARBOZA, JUN.,
Interpreter to the Commission.

Rio de Janeiro, May 5, 1841.

No. 233.

Viscount Palmerston to Mr. Samo.

SIR, *Foreign Office, August* 4, 1841.

HER Majesty has been graciously pleased to appoint you to be Her Majesty's Commissary Judge, in the room of Sir George Jackson, in the Mixed British and Brazilian Commission established at Rio de Janeiro under the Treaty between Great Britain and Brazil of the 23rd November, 1826, for the Abolition of the Slave Trade. It is desirable for Her Majesty's service that

you should lose no time in entering upon your duties as Judge at Rio de Janeiro; and you will proceed at once and without delay, therefore, to your new post at that place.

The Commission by which Her Majesty has been pleased to appoint you to be Commissary Judge at Rio de Janeiro will be forwarded to the care of Her Majesty's Chargé d'Affaires at the Court of Brazil; and on your arrival at Rio you will wait upon Mr. Ouseley, who will deliver to you the commission, and will introduce you to Her Majesty's Commissioner of Arbitration and to the Brazilian Functionaries with whom you will have to act. After showing to those Functionaries your commission, and taking in proper form the customary oath, you will proceed to enter upon your duties as Judge. You will strictly follow the line of conduct pointed out in the instructions which have heretofore been given by Her Majesty's Secretary of State to Her Majesty's Commissioners at Rio de Janeiro; and you will attend to such further instructions as may from time to time be transmitted to you from the Secretary of State.

I am, &c.

To John Samo, Esq. (Signed) PALMERSTON.
&c. &c. &c.
Surinam.

(Extract.) No. 234.

Her Majesty's Commissioners to Viscount Palmerston.

Rio de Janeiro, May 27, 1841.
(*Received August* 9.)

We have the honour to acknowledge the receipt of your Lordships' Despatch of the 12th of March, 1841, transmitting to us, for our information and guidance, a copy of an instruction addressed by your Lordship to Her Majesty's Chargé d'Affaires at this Court, respecting negroes emancipated by sentence of this Mixed Commission, and desiring that we will facilitate to the utmost of our power the arrangement therein contemplated.

We have already put ourselves in communication with Mr. Ouseley on this subject, and intimated to him our readiness to give every possible effect to this instruction, and to concert with him the necessary arrangements whenever called upon, or so soon as he shall have announced to us his having successfully executed your Lordship's orders on this head; to which the less objection should be anticipated, as Brazil has herself repeatedly solicited the proposed measure from the British Government.

No. 235.

Viscount Palmerston to Her Majesty's Commissioners.

Gentlemen, *Foreign Office, August* 11, 1841.

With reference to your several Despatches transmitting lists of vessels which arrive at Rio de Janeiro from the coast of Africa, and which sail from Rio de Janeiro for the coast of Africa, I have to instruct you to insert for the future in these lists the rig of vessels, and the name of their masters, as it has been represented to me that information on these two points will add greatly to the means of identifying vessels, when captured by Her Majesty's cruizers on the coast of Africa.

I am, &c.

Her Majesty's Commissioners, (Signed) PALMERSTON.
&c. &c. &c.

No. 236.

Viscount Palmerston to Her Majesty's Commissioners.

Gentlemen, *Foreign Office, August* 19, 1841.

I referred to Her Majesty's Advocate-General, for his opinion, your Despatches on the subject of a canoe which was captured off Ilha Grande with 47 newly-imported Africans on board by the boats of the Brazilian schooner of war "*Primeiro de Abril*," and I have now to state to you, for your

information and guidance, that the Queen's Advocate has reported it to be his opinion, that the chase of the canoe or launch in question having been commenced and continued, and the capture thereof effected, within the limits of the Brazilian territory, the adjudication of the case belonged properly to the Brazilian courts of law, and not to the Court of Mixed Commission.

I am, &c.

Her Majesty's Commissioners, (Signed) PALMERSTON.
&c. &c. &c.

No. 237.

Viscount Palmerston to Her Majesty's Commissioners.

GENTLEMEN, *Foreign Office, August* 26, 1841.

I HEREWITH transmit to you, for your information and guidance, a copy of a Despatch which I have this day addressed to Her Majesty's Chargé d'Affaires at Rio de Janeiro, relative to the negroes who may hereafter be captured and brought to that port in foreign vessels.

I am, &c.
(Signed) PALMERSTON.

Her Majesty's Commissioners,
&c. &c. &c.

Enclosure in No. 237.

Viscount Palmerston to Mr. Ouseley.
August 23, 1841.

(See Class B.)

No. 238.

Her Majesty's Commissioners to Viscount Palmerston.

Rio de Janeiro, June 5, 1841.
MY LORD, (*Received September* 2.)

HER Majesty's Chargé d'Affaires has transmitted to us, for our information, the copy of a Note which he has received from the Brazilian Minister for Foreign Affairs, in reply to one which, in pursuance of your Lordship's instructions, he addressed to his Excellency, representing against the observance of holidays by the Mixed Court of Commission.

The failure of this further attempt to obtain the acquiescence of this Government in your Lordship's wishes on this head is matter rather of regret than of surprise to us, especially as we do not understand that a suggestion to propose to the Legislature the alteration of the law, as it now stands, formed any part of Mr. Ouseley's representation. This, however, we feel persuaded, is the only mode by which the desired object can be attained.

When we make the representation against the observance of holidays, amongst other proposed reforms enclosed in our Despatch 30th June, 1838, we appealed to the exception made in the case of juries, who are allowed to hold their sittings on holidays, as a precedent by which this Court might also be regulated: but we were told in reply that this very exception was a legislative act; and that, with that exception, no process whatever before any tribunal in which Brazil had any participation would be valid.

As regards our Brazilian colleagues, however, we are convinced that they would, so soon as such alteration were made, most cheerfully acquiesce in any sacrifice which it might impose upon them.

We have, &c.
(Signed) GEORGE JACKSON.
FRED. GRIGG.

The Right Hon. Viscount Palmerston, G.C.B.,
&c. &c. &c.

No. 239.

Her Majesty's Commissioners to Viscount Palmerston.

Rio de Janeiro, June 28, 1841.
(*Received September* 2.)

My Lord,

Referring to our Despatch of 9th January, 1841, we have now the honour to enclose to your Lordship, in original and translation, the definitive sentence of this Court in the case of indemnities claimed for the undue detention of the "*Alexandre*." This sentence was signed on the 23rd instant, and adjudges Commander Smyth to pay the sum of 1054 286 reis, equal at the present rate of exchange to 131*l*. 15*s*. 8*d*., to the claimants in the cause, with interest of five per cent. per annum until the payment thereof.

This sum being so inconsiderable, we might perhaps be excused from troubling your Lordship with the transmission of the mass of papers which has arisen out of this case; but as an examination of the several incidents which have occurred in the course of it will best demonstrate where alterations in the Mixed Commission, as at present organized, are most desirable, we think it right to forward every document connected with it.

These may be divided into three parts: the first, to Number 8, inclusive, dated 21st November, 1840, forms the first stage of this process, and shows what passed up to the time when, as your Lordship was informed, the Court required proof of the existence of a certain sum of money alleged by the master of the "*Alexandre*" to have been abstracted from on board subsequent to the detention of that vessel.

The second stage comprehends the documents from No. 9 to No. 12, of the 20th March, 1841, both inclusive, and gives the proceedings before the British Judge Conservator, ending in a sentence adverse to the claim of the master of the "*Alexandre*," and the consequent petition on his behalf that this Court would proceed to give final sentence, according to the account presented, admitting or striking out from it the disputed sum, as should appear just.

The third division, down to No. 17, of the 24th May, contains the several requirements of the Court from the claimants, and the replies given by them.

Immediately on the receipt of these the costs of suit were sent to the Accountant-General to be taxed, and no time was lost upon that officer making his report in drawing up the sentence.

It may be proper to add that, on the Despatch, or answer, of the Court to the petition No. 8 being intimated to the parties,. they proceeded to summon Mr. Consul Hesketh, as proctor for Commander Smyth, before one of the civil courts, and that that gentleman, not attending sufficiently to the wording of that answer, presented a protest to this Court against any proceeding whatever other than before this Mixed Commission, or by its decree, before the Judge Conservator, requiring the same to be added to the process; but, upon its being explained to him that the words used, "competent authority," could imply no other than the Judge Conservator, the above protest was not filed, and the proctor entered his appearance before the latter.

It is also right to notice that, though the sentence of the Conservatorial Court adjudging the "justification" to have failed, bears date the 14th December, 1840, this commission was not apprised of the same by the Proctor till the date of his petition, No. 9, in the following February, when not a moment was lost in calling upon the claimants to present the required proof, under pain of passing sentence by default.

We have, &c.
(Signed) GEORGE JACKSON.
FRED. GRIGG.

The Right Hon. Viscount Palmerston, G.C.B.,
&c. &c. &c.

Enclosure in No. 239.

Sentence.

Rio de Janeiro, June 23, 1841.

From the present proceedings it is seen that João Gonçalves Leite and Antonio José Marques, master and owners of the Brazilian galliot "*Alexandre*," require to be indemnified for the losses and

damages which resulted from the detention of the said galliot by Her Britannic Majesty's brig-of-war "Grecian," William Smyth commander, such detention having been declared illegal by the sentence of this Mixed Commission of the 10th of September, 1840. The galliot in question coming under the circumstances of that article of the Convention of the 28th of July, 1817 (adopted by that of the 23rd of November, 1826, between Brazil and Great Britain) which stipulates the indemnities for the losses which the subjects of either nation might suffer by the illegal detention of their vessels, there cannot be the slightest doubt of the right which the claimants have to be indemnified—a right which the captor himself, by his proctor, does not deny: the only question, therefore, to be determined is the sum which ought to be awarded to them.

The account presented by the claimants consists of nine items:—The first, amounting to 1 conto 280 milreis, being for freight in perspective only, is inadmissible, in view of the first paragraph of the second part of the Eighth Article of the Regulation annexed to the Convention of 1817, which says—"For all special damages and expenses occasioned to the ship by the detention, and for loss of freight when due or payable."

The second, third, and fourth items, by which the petitioners claim to be refunded certain sums of money said to have disappeared from the chest of the master of the galliot "*Alexandre*," having been rejected by the British Conservatorial Court in this city, before which the claimants petitioned to justify the alleged loss, fall of themselves, by virtue of the same decision.

The fifth item, amounting to 250 milreis, according to the valuation in the first account, or to 323 milreis, mentioned in the account lately presented, cannot be admitted, because, without questioning the "justification" of the expenses incurred at Campos, no document whatever is offered to prove the necessity of the repairs at the moment of the galliot being restored to her owners, while the fact of her having sailed hence for Campos, without any repairs, after having been so restored, militates against such necessity.

The Eighth Article, however, awarding in all cases wherein restitution shall be decreed, a just and complete indemnification; and as it is possible that her hull may have received some damage as well by being towed after capture as by want of care while in the port, the sum of 100 milreis to cover such damage is allowed.

The claim contained in item No. 6, to the amount of 600 milreis, for the deterioration of 600 arrobas of jerk beef, is destroyed by the confession of the claimants themselves, that almost all was sent to the estates, where it was received and given to the slaves, thus proving that the former experienced no loss.

The seventh item, viz., 9 mil 850 reis, is allowed, in view of the first paragraph of the Eighth Article; the full sum of 600 milreis claimed in the eighth item being inadmissible, dependent as it is, not on the strict rule of a just indemnity, but on the will of each respective client.

The ninth item, viz., 1 mil 600 reis, is also allowed, in view of the above-mentioned first paragraph of the Eighth Article.

Besides these sums 18 mil 982 reis is further awarded; that sum, combined with the seventh item, making the whole amount of the costs of suit, taxed by the accountant in these proceedings of indemnity and their appendix, as also a further sum of 200 milreis for the agents in the cause.

The claim of the petitioners is limited to the items above mentioned; even in their last petition they asked no more, but the Commission will not the less fail to award to them the indemnities specified in the second and sixth paragraphs of the Eighth Article, to wit, a demurrage according to the schedule annexed to the above-mentioned article, and an allowance of five per cent. on the amount of capital employed in the purchase of cargo for the period of delay occasioned by the detention.

Such are the principles upon which the indemnities in the present case have been awarded, to which the claimants are entitled for the losses suffered by the illegal detention, and which are comprised in the second part of the Eighth Article of the Regulations of this Mixed Commission, the case not being one of total loss, to wit:—

For the damage which the vessel may have suffered in her hull, by being towed after capture, or from want of care during the time of her detention in this port	100 000
Costs of suit, and transcript of passport and other documents, the originals of which were delivered up	30 382
For the agents in the cause	200 000
Amount of demurrage from the time of the detention of the galliot, *i. e.* 2nd of September, 1840, when she was captured, to the 17th of the same month, when she was given up to her owners, 16 days, and 2 days additional, to enable her to prepare for a fresh voyage, in all 18 days, at 5*l.* sterling per day, at the exchange of 30*d.* to 1000 reis	720 000
An allowance of five per cent. on 1 760,000 reis, value of 600 arrobas of jerk beef, shipped in the same galliot, from the 2nd of September, 1840, to the 17th of the same month, 16 days	3 904
Reis	1054 286

In virtue, then, of what has been set forth, of what appears in the present proceedings, and of the stipulations of the aforesaid Convention, the Commissary Judges condemn the captor of the galliot "*Alexandre*," William Smyth, commander of Her Britannic Majesty's brig-of-war "Grecian," to pay to the claimants the sum of 1 conto 54 mil 286 reis, besides the interest of five per cent. per annum on this sum for whatever time may elapse, until final payment, in conformity to the seventh paragraph of the second part of the Eighth Article of the Regulation of this Commission.

(Signed) JOAO CARNEIRO DE CAMPOS.
GEORGE JACKSON.

(A true Copy.)
(Signed) BRAZ MARTINS COSTA PASSOS, *Secretary.*

(A true Translation.)
(Signed) JOZE AGOSTINHO BARBOZA, Jun.,
Interpreter to the Commission.

Proceedings before the Court.—First Stage.

No. 1.

Rio de Janeiro, September 12, 1840.

Most Illustrious Members of the Mixed Brazilian
and British Commission,

You, Gentlemen, having ordered by your respectable sentence the galliot "*Alexandre*" to be released and delivered to her owners, declaring her to be a bad prize, the petitioner comes forward to claim indemnities, losses, and the damages which he sustained by that act, to be paid for the whole, according to the said decision, by the authors of the capture, or by the British Government responsible for them, which claims are due to him under the sentence. And that the captors may not allege ignorance thereof, the petitioner presents the protest made on board, and requires that the same be ratified, in order that the said indemnities be assigned to him, and intimated, if necessary, to whom it may concern.

(Signed) As Attorney for JOAO GONÇALVES LEITE,
J. M. PEREIRA DA SILVA.

Answer of the Court to the above.

Rio de Janeiro, September 12, 1840.

Let the accounts of the indemnities claimed be presented, duly legalized, in order to their following their ulterior course, and let the prize master, Thomas Woodgate, be informed hereof for his information.

(Signed) CARNEIRO.
G. JACKSON.

(A true Translation.)

(Signed) JOZE AGOSTINHO BARBOZA, Jun.,
Interpreter to the Commission.

No. 2.

I, the undersigned, master of the national galliot "*Alexandre*," declare, That having sailed from this capital for Campos, on the 1st day of September, on the second day, between 10 and 11 o'clock in the morning, I was visited, off Ponte Negra, by the English brig "Grecian," Commander Smyth, and all my papers examined, who ordered his people to overhaul the cargo in the hold, and to go with a light, examining in all quarters, and not trusting in the papers which I showed to him, and with them the despatches of the cargo which I have shipped, he opened my manifest, and committed other improprieties, or ordered them to be committed by his next in command, going to my chest, and throwing out whatever he found in it, as also to that of my boatswain, in order to see whether there were any false papers; and at the same time he ordered the national flag to be hauled down, and the British pendant and ensign to be hoisted, and saying his course is for Rio de Janeiro, being at the distance of 6 leagues or more from this bar. I think, Gentlemen, that this is treating our flag contemptuously, and without regard to the prejudice he was causing us; and therefore I beg of you to judge and act, so that I may suffer neither losses nor damages, but that you will consider only the injury which he does to me and to my shippers who have embarked their goods, which fact I prove, with all my crew, and not only with them but with the register of the visit boat, which can justify it still better, if requisite.

(Signed) JOAO GONÇALVES LEITE.
ANTONIO GONÇALVES LEITE,
Boatswain.

And the Crew.

I further declare, the crew of the galliot having testified, by their signatures, to the truth of what occurred, that, in my capacity of master, I hereby protest against the commander of the capturing brig, and against all others concerned, in my name and in the names of those interested in the galliot, and in her cargo, by the fact of it being an illegal and monstrous capture, and for all damages caused and to be caused, and for every other damage and loss, as also for moneys and indemnities resulting therefrom—all being to be paid by that commander, or by whomsoever may be responsible for him, and for whatever else may be due to us, for which we appeal to all tribunals and governments.

Done on board the 2nd of September, 1840.

(Signed) JOAO GONÇALVES LEITE.

(A true Translation.)

(Signed) JOZE AGOSTINHO BARBOZA, Jun.,
Interpreter to the Commission.

No. 3.

Rio de Janeiro, October 1, 1840.

Most Illustrious Members of the Mixed Brazilian
and English Commission,

Don Joao Manoel Pereira da Silva comes before you, as proctor for João Gonçalves Leite, and Antonio José Marques, the master and the owner of the Brazilian galliot "*Alexandre*," to present their accounts of losses, indemnities, and damages which they suffered by the unjust capture and illegal detention of said galliot, made by the commander of the capturing brig; he being himself responsible, or his government for him.

The accounts presented are sufficiently explained with their vouchers; there can be no difficulty, therefore, on the part of this tribunal, in considering them valid, and in condemning the capturing commander, whose act caused such losses in the amount.

If, however, which is not expected, the opposite party should endeavour to impugn any item, we at once claim to see the objection, in order to support such item, and to show its validity, in case the Commission should want proof of its correctness.

The petition of claim for indemnities having been filed, you are requested to direct that these papers be added thereto, in order that the question may be decided with all possible despatch, to the advantage alike of the captor and of the owners of the galliot, and that the latter be paid that which is due to them.

(Signed) JOAO MANOEL PEREIRA DA SILVA.

Answer of the Court to the above.

Rio de Janeiro, October 5, 1841.

LET the petitioner, before any thing else, prove that the money in question was on board of the vessel, seeing that they did not make it known in the act of the detention.

(Signed) CARNEIRO.
G. JACKSON.

(A true Translation.)

(Signed) JOZE AGOSTINHO BARBOZA, Jun.,
Interpreter to the Commission.

No. 4.

Rio de Janeiro, September 17, 1840.

ACCOUNT of the LOSSES suffered by the galliot "*Alexandre,*" which sailed for Campos on the 1st of the present month, and was captured on the following day by the English brig-of-war "Grecian:"—

By the delay in this port she lost a voyage; and as there are vessels that sailed with her, went there, and are now already in this port about to sail a second time, therefore the said galliot ought to receive the freight of one voyage as well as demurrage for some days more, with a view to the delivery of her papers, as well as interest accruing until the actual payment.	
Freight of a voyage which, during this time, the galliot might have made, according to what she usually brings to this port, 120 cases, at 10 000 rs., and 10 pipes, at 8 000 rs.	1280 000
Money in notes belonging to the master, which he had in his chest, and which is missing	54 000
Forty-nine Spanish dollars, belonging to the master, purchased here at 1 750 each	86 750
Money which the master was taking to be delivered, together with a letter to Mel. Jozé Marques, as is shown by receipts in the clearances of the vessels "*D. Paul*ª." galliot, and another	800 000
Caulker and carpenter for their valuation on account of the vessel's decks not being washed, and her having been shaken in her bows by the towing . .	250 000
Loss on 600 arrobas of jerked beef, which I shipped, to be delivered to sundry persons, as I shall show by documents which I shall send for to Campos, as to the price at that time; this being an article liable to spoil	600 000
Cost of the sentence paid by me	9 850
Expences which have been caused by the capture of the galliot, in defending the same, and other small expenses	600 000
For copies of documents paid by me to the Secretary of the Commission . .	1 600
Reis	3682 200

Total—Three contos six hundred and eighty-two mil and two hundred reis.

(Signed) ANTONIO JOZE MARQUES.
JOAO GONÇALVES LEITE.

(A true Translation.)

(Signed) JOZE AGOSTINHO BARBOZA, Jun.,
Interpreter to the Commission.

No. 5.

Rio de Janeiro, September 21, 1840.

I, THE undersigned (certify) that it is true that I sold to Senhor João Glz. Leite 50 Spanish dollars at 1 750 each, and a certificate of the same being required, I passed the present.

(Signed) MEL. GOMES VIRA. GUIM.

(A true Translation.)

(Signed) JOZE AGOSTINHO BARBOZA, Jun.,
Interpreter to the Commission.

No. 6.

Rio de Janeiro, September 19, 1840.

WE, the undersigned, master caulkers and carpenters, attest and swear on the Holy Evangelists, if it were necessary, that being called by Senhor João Gonçalves Leite, master of the galliot "*Alexandre,*" to see the state in which the said vessel is, and to value the work which is necessary, we find the vessel much shaken in the caulking in consequence of no care having been taken of her during the bad weather whilst she was under the English flag, and also shaken forwards by reason of the great strain by towing, and we think 250 milreis necessary for this repair of caulker, carpenter, oakum, and pitch.

In faith of which we pass the present.

(Signed) DOMINGOS GLZ. BANDEIRA, *Master Caulk r.*
BERNARDINO JOZE DE AMORIM, *Master Carpenter.*

(A true Translation.)

(Signed) JOZE AGOSTINHO RABBOZA, Jun.,
Interpreter to the Commission.

No. 7.

Rio de Janeiro, October 12, 1840.

Illustrious Commissary Judges of the Mixed Commission.

THE following are the reasons alleged before this Commission to prove that the sum of 3682 200 rs. which is demanded for the detention by Captain Smyth, of Her Britannic Majesty's brig "Grecian," of the galliot "*Alexandre*," is excessive and unjust.

But before entering on the analysis of the nine items of which the said sum is composed, it is necessary to observe that that detention was occasioned by the circumstance of empty casks being found on board without being manifested; and though it be decided that this is the practice in the coasting trade, yet this cannot regulate on the high sea, outside of a port, the commanders of cruizers, who can only guide themselves by facts; who are moreover unable to know coasting vessels, it being at the same time notorious that some of these same vessels are found employed in the illicit commerce of slaves.

Under this view of the case, and the sentence of this Commission not having referred to indemnities, the captain of the "Grecian" yet hopes that the manner in which the empty casks were carried will have great weight with the illustrious Judges in the consideration of the claims of the owners of the galliot "*Alexandre*."

By turning to the account given by the claimants, the first item being 1280 000 rs., refers to a freight not gained or even contracted for, but only in perspective, which might or might not be realised, and which could not be realised without expenses.

It being also right to note, that it can be proved that the aforesaid vessel in voyages from Campos to Rio de Janeiro never made more than from 300 000 to 400 000 rs. nett freight.

The 8th article of the Regulations annexed to the Additional Convention of the 28th of July, 1817, says, with respect to "other cases not of total loss, the claimant, or claimants, shall be indemnified; 1st. for all *special damages and expenses* occasioned to the ship by the detention, and for loss of freight, *when due* or *payable*." But the freight from Campos, which is demanded as lost, was neither due nor was ever owing.

The 2nd, 3rd, and 4th items, amounting to 940 750 rs., consist of sums of money which it is said were taken from the master of the "*Alexandre*," or which he says he lost.

The annexed declarations, Nos. 1 and 2, prove that search was made, and that no money was found on board, and that the same master declared that he had none.

The master signed a list of the papers which he delivered to the officer of the "Grecian," receiving from him (the officer) a copy of the same; and when he was before the Mixed Commission, and after having had charge of his own baggage for more than two days, as is proved by the declaration No. 3, the said master never declared having missed such money.

As to the fact of the money being on board, this was denied by the master himself, and as much credit at least ought to be given to the declarations of the officers as to those of the master.

As to the alleged case of the master of the galliot having had this money concealed on board, and having brought it himself on shore, there is no impossibility whatever.

But what shows it to be a very suspicious circumstance is, that the master neither mentioned such loss when he came into the port, nor when he presented himself before this Commission.

The 5th item, 250 000 rs., not being for work done, because the galliot sailed again without such work having been done, but only an estimate, which does not prove the existence of the damage in the bow of the galliot, when considering the valuation of the caulker, this damage ought to be very great compared with the cost of caulking the brig "Grecian," which was 120 000 rs.

There is moreover an annexed certificate, No. 4, of the officer charged with the navigation of the galliot when she returned to this port.

The 6th item is 600 000 rs., proceeding from the damage of a portion of jerked beef, which was and remained in the hold of the galliot

It is difficult to believe such damage, when it is known that the said jerked beef remained in the galliot when she sailed. But at least such damage ought to be proved by a document, which does not appear, and for this reason this item ought to be rejected.

The 7th and 9th items, amounting to 11 450 rs., appears to be special expenses, and as such justly due.

But the 8th item, amounting to 600 000 rs., although it is pretended to be of the same nature, is in the first place an exorbitant expense, and in the second very extraordinary, and without documents to prove or justify it, and therefore ought for this reason to be rejected.

Thus the inadmissible items amount to 3670 750 rs., there remaining only 11 450 rs., and adding to this sum that which is stipulated in the regulations above referred to, which is 5*l.* per day from the 2nd to the 9th of September, the day on which the captor desisted from further proceedings, makes at the exchange of 30*d.* per milrea, in all 331 450 rs., which appears to be the most which on a just consideration of the circumstances and facts of this case can be allowed as an indemnification for the delay of the galliot "*Alexandre*."

(Signed) ROBERT HESKETH.

(A true Translation.)
(Signed) JOZE AGOSTINHO BARBOZA, Jun.,
Interpreter to the Commission.

Copy.—(A.)

IN reference to the claim made by the parties concerned in the Brazilian galliot "*Alexandre*," I declare that search was made in every part of the vessel, and in the trunks, boxes, and lockers, and all secret places, IN MY PRESENCE, for the express purpose of finding out if there was any money of any description in the vessel; all that was found amounted to 2 or 3 milreis, a dollar, and a few copper coin, and the master declared that he had no money of any kind on board. I further declare that all letters and papers taken from him by myself, or any other person or officer belonging to the "Grecian," were laid before the Mixed Commission Court.

Given under my hand on board the "Grecian," this 3rd of October, 1840.

(Signed) WM. SMYTH, *Commander.*

Copy.—(B.)

We, the undersigned, declare, that acting under orders from Commander William Smyth, of Her Majesty's sloop "Grecian," did on the 2nd of September last search the boxes of the master, mate, and passengers of the Brazilian galliot "*Alexandre*," expressly to ascertain if any quantity of money was on board, and we positively assert we could find only 2 or 3 milreis in the box belonging to the passenger, also 1 dollar, and a small sum in copper coin in the box of the master.

We moreover declare this duty was performed in the presence of Commander William Smyth, the master, and others belonging to the galliot, and that the master expressly stated that there was no money of any description on board.

Given on board the "Grecian" this 3rd of October, 1840.

(Signed) CHAS. P. WADE, *Lieutenant.*
W. B. PEARSE, *Master.*

Copy.—(C.)

We, the undersigned, in charge of the galliot "*Alexandre*," during the time of her adjudication before the Mixed Commission Court, hereby declare that the master of the vessel had free access to the cabin; and that during his absence the cabin-door was locked, and no one permitted to enter except for provisions, on which occasions several of the crew were always present.

Given under our hands on board the "Grecian" this 3rd of October, 1840.

(Signed) THOMAS WOODGATE, *Lieutenant in charge.*
JOHN DURSTON, *Corporal in charge during the absence of Lieutenant Woodgate.*

Copy.—(D.)

I, the undersigned, positively declare in reference to the damage alleged to have been suffered in the galliot "*Alexandre*," that the said vessel could not possibly have suffered any damage by towing or otherwise, the water being perfectly smooth, and a fair wind on the 2nd of September, the day of his detention, and the master of the galliot never made any remark that his vessel was injured or damaged in any way.

Given under my hand on board the "Grecian" this 3rd of October, 1840.

(Signed) W. B. PEARSE, *Master in charge of the* "Alexandre" *during the time she was towed by the* "*Grecian.*"

No. 8.

Rio de Janeiro, November 20, 1840.

Illustrious Gentlemen, Members, Judges of the Mixed British and Brazilian Commission.

Joao Goncalves Leite says that you, Gentlemen, having by your Despatch ordered that the petitioner should prove the existence of the money which he claims as lost on board of the galliot "*Alexandre*," and the claimant wishing to do so immediately as he has just returned from Campos, comes before you, Gentlemen, to beg that you will admit him to justify such existence by witnesses in your presence, naming the day and the hour for them to appear, as the documents which he had are already annexed to the accounts of the indemnities claimed.

(Signed) JOAO GONÇALVES LEITE.

Answer of the Court to the above.

Rio de Janeiro, November 21, 1840.

The petitioner must justify it before the competent authority, the captor's proctor being present.

(Signed) CARNEIRO.
GEO. JACKSON.

(A true Translation.)
(Signed) JOZE AGOSTINHO BARBOZA, Jun.,
Interpreter to the Commission.

Second Stage.

No. 9.

Rio de Janeiro, February 6, 1841.

To the Illustrious Commissary Judges of the Mixed Brazilian and English Commission.

Robert Hesketh, proctor of Commander Smyth, in the suit respecting the detention of the galliot "*Alexandre*," now before this Commission since the 3rd of September, 1840, says, that he, the proctor, was cited on the 3rd of this present month of February, to name an advocate in a suit instituted by the parties interested in the said galliot, respecting a "justification," directed by this Commission with regard to certain claims, and since the justifier, the master of the said galliot, has been unable to prove what he pretended, and since five months have already elapsed since this suit has been before you, Gentlemen, which it is further attempted to prolong before tribunals foreign to this Mixed Commission.

He therefore requires you, Gentlemen, to close the proceedings in the case of the said galliot.

Answer of the Court to the above.

Rio de Janeiro, February 6, 1841.

LET it be intimated to the petitioner's proctor, in satisfaction of the Despatch of the 21st of November of last year, to present the required "justification" by Friday the 12th instant, this suit having continued for months, under pain of judgment being given by default.

(Signed) SOUZA.
G. JACKSON.

(A true Translation.)
(Signed) JOZE AGOSTINHO BARBOZA, Jun.,
Interpreter to the Commission.

No. 10.

Rio de Janeiro, February 12, 1841.

To the Illustrious Members of the Mixed Brazilian and English Commission.

I WAS summoned some days ago, in my character of proctor of the owner and master of the galliot "*Alexandre*," to present what I had to allege within the space of four days, in the suit of the indemnities which are demanded of the Captor of that galliot, whose proctor is the British Consul, in whose name the petition was made, asserting that more than forty days had passed without any progress being made in the suit by my clients, who were instituting causes before an incompetent tribunal.

At first sight, such and so extravagant a petition of the Consul, who is so anxious to conclude this business, would be deserving, if not of ridicule, at least of immediate rejection; that gentleman appears to be afraid of proofs which may be presented, and, cautious as he is, takes preventive remedies to oppose to them. The Commission, however, not having the pecuniary interests of the Consul, has not to satisfy him, but justice.

We asked for indemnities, and what did the Commission direct? that we should justify, before the competent tribunal, the shipment of the money, &c., on board. We commenced, therefore, a justificatory suit before the British Conservator, and this suit has not yet had a definitive sentence; we having on our part alleged what we thought right, and the Consul himself, who now affects such ignorance, having named an advocate to plead for him there, so much so that the "Autos" are at this moment detained in the hands of his advocate, Dr. Bulhoes Ribeiro.

How then have we commenced causes out of the competent tribunal? Is the British Consul ignorant that the only competent tribunal for such justification ordered by the Commission is the Conservatorial Court?

More than forty days, says the Consul, have elapsed;—and what signifies? In what law, in what usage, in what practice, did the Consul, turned advocate, find that the right of carrying on a suit was lost by its being delayed on the part of the promoter of the same—we will not say forty days only—but one, two, or three years? Who was the advocate that led him thus astray? No one certainly. This is from the Consul's own head. This is the offspring of his intelligence.

I am, therefore, entitled to say, that such a pretension on the part of the consul, who is the agent of a nation that prides itself so much on its justice, is puerile, irregular, illegal, and miserable, and consequently, I may say, that, not having yet concluded the justificatory suit commenced before the Conservatorial Court, owing to the delays and procrastinations which all the world knows exist in civil suits in Brazil, in consequence of the course which it is necessary to follow, I have not yet applied to the Mixed Commission to close the suit for indemnities, which I there instituted on the part of my clients; and so soon as a final sentence shall be given by the Judge Conservator, I will appear for the purpose of continuing my suit for the proper indemnities, nor can I lose my right, guaranteed to me by law, for such futile reasons as those of the British Consul, it behoving this tribunal to wait for that which itself ordered should be done, and which is doing, but which does not suit the British Consul.

I have thus sufficiently replied to the above-mentioned summons, preserving and protesting for my right to continue the indemnity suit before this tribunal, when the justificatory one before the English Conservatorial Court shall be definitively concluded. The proof before the one being very useful to me with a view to the other, and because this same tribunal, having so ordered, cannot now recede from its decisions.

(Signed) DR. JOAO MANOEL PEREIRA DA SILVA.

Answer of the Court to the above.

Rio de Janeiro February 13, 1841.

LET the Captor's proctor state in reply, whether the justificatory "Autos" are in fact detained in the hands of his advocate, as is here alleged, and if so, let him declare the cause thereof to enable the Commission to determine.

(Signed) SOUZA.
G. JACKSON.

(A true Translation.)
(Signed) JOZE AGOSTINHO BARBOZA, Jun.,
Interpreter to the Commission.

No. 11.

To the Illustrious Commissary Judges of the Mixed Brazilian and English Commission. *Rio de Janeiro, March* 20, 1841.

IN satisfaction of the Despatch of the 13th of February last, directing me to reply whether the Justificatory Autos were in fact detained in the hands of my advocate, I have to answer, Gentlemen, that it is true that the same are actually before my advocate for the purpose of contesting the embar-

goes which my opponent offered to the sentence which was given against him in the British Conservatorial Court; but this very circumstance it was which induced me to present my petition of the 6th of February last to the Commission, for the reasons which I now proceed to explain.

My opponent having prayed to prove, before the Conservatorial Court, that a certain sum of money had been abstracted from on board the galliot "*Alexandre*," during her detention, in order to file his claim against the captor, a sentence was given against him; and he, embargoing the same, alleged in his embargoes that he did not pretend to prove the abstraction of the money during the detention and capture, in consequence of which I supposed that he would stop, and not press the claim further, or that otherwise such suit was resorted to by him as a means of palliation.

Under these circumstances, and observing that the instructions annexed to the Convention of the 28th of July, 1817, and which equally serve as a rule to this Commission, according to the Fourth Article of the 23rd of April (November), 1826, declare that the proceedings shall be summary, whether with regard to the legality of the capture, or to the indemnities; and that the final sentence shall in no case exceed two months, whereas a much longer period than this has elapsed since the commencement of the suit of the galliot "*Alexandre*." Such were my reasons for my representation to the Commission; reasons which appear to me sufficiently to justify my petition, and which at the same time annihilate the subject-matter of the uncivil and little-attentive reply of the proctor of the claimants.

(Signed) ROBERT HESKETH.

A document accompanies this.

(A true translation.)
(Signed) JOZE AGOSTINHO BARBOZA, Jun.,
Interpreter to the Commission.

(Duplicate.)

To the Most Illustrious the Judge Conservator of the English.

Rio de Janeiro, February 20, 1841.

Robert Hesketh, English Consul, says, on behalf of William Smyth, commander of the English brig of war "Grecian," that from among the documents of justification of João Gonçalves Leite, master of the galliot "*Alexandre*," passed before this tribunal, he requires a certificate of the tenor of the sentence against the aforesaid master, as also that of the first, second, and tenth Articles of the Embargoes presented by him against the said sentence.

Let what is in proof be passed.

(Signed) LISBOA.

Rio de Janeiro, December 14, 1840.

I, Luiz Antonio da Silva Aranjo, holding for life the office of Clerk of the British Conservatorial Court in this city and province of Rio de Janeiro, by favour of his Imperial Majesty, &c., certify that in the records of the said office, in my possession, there are the Acts of Justification between the parties on the one part as plaintiff, João Gonçalves Leite, and on the other as defendant, William Smyth, commander of the English brig of war "Grecian," represented by his consul, Robert Hesketh; referring to which, according to the petition, there is the sentence of which a certificate is required, and of the form, mode, and manner following:—I adjudge the justification to have failed, inasmuch as the applicant having undertaken to substantiate by his petition the abstraction from on board the galliot "*Alexandre*" of the sum of 800 milreis, in notes, belonging to Antonio Jozé Marques, of this capital, on behalf of his brother, Manoel Jozé Marques, of Campos, as also of 49 patacoens and of 54 milreis, belonging to the petitioner himself, such loss or embezzlement is not sufficiently substantiated by the depositions, since the first witness swears only to having seen a sealed letter, the superscription of which declares that it contains the sum of 800 milreis for Manoel Jozé Marques, at Campos, but he did not see the money said to be remitted to Campos, nor was he present when it was counted. The witness, clerk to Antonio Jozé Marques, was present at the counting of the sum of 800 milreis, in notes, ashore, but he does not swear to the loss of the same from on board, except on hearsay.

The third and fourth witnesses merely swear to having seen and been present at the transaction of the 50 milreis, or of the 50 patacoens, and they do not swear circumstantially to the loss of this sum, or to that of the 80 milreis, in notes; thus affording no clear proof of the loss, it being remarkable that among these documents there does not exist the corresponding pass of the money remitted, as is indispensable according to the custom-house regulations of the 22d July, 1832; it being also observable that no legal survey was had on the chests which are represented as having been broken open. I adjudge, therefore, this justification to have failed, and that the petitioner pay the costs.

(Signed) NICOLAO DA SILVA LISBOA.

Embargoes.

João Gonçalves Leite, offering these embargoes, will prove, first, that the sentence embargoed is contrary to the statement in the petition and to the declaration of the witnesses, inasmuch as that which it was intended to prove in this Court is that the party offering the embargo received this money and put it on board of the galliot, which is evidently proved by the depositions of the witnesses.

Secondly.—That the sentence embargoed turned entirely on the loss of said money from on board of the ship, which was not deemed to be proved; and it is therefore just that this part of the sentence be reversed, the shipment on board of the money being proved, although these proceedings do not contain full proof of its disappearance on occasion of the capture, which was not then the matter to be proved.

Thirdly.—That the non-appearance of the "Guia" of the money remitted, as the sentence declares, in conformity with the regulations of the custom-house, does not at all strengthen the said sentence, inasmuch as he will prove—

Fourthly.—That these regulations apply to money which is exported to foreign ports, and upon

which the respective duties are to be paid, and not to money going from one port to another in Brazil, and still less to that which is remitted in the coasting trade to any part of the same province, and that it is not even the practice to enter such at the custom-house; and—

Fifthly.—He will moreover prove that it would be dangerous, and very dangerous even, to declare, at the custom-house or elsewhere, that the master of a coasting-vessel has money to be delivered, inasmuch as he would risk the being robbed on the voyage, as has repeatedly happened, and it is for this reason that money is received and kept in silence, and that it is not made known to the crew.

Sixthly.—He will prove that so fully is this shipment of the money proved, that the deposition of the first witness agrees remarkably with that of the second, seeing that the former, the mate of the galliot, was the person who received from the master the letter from Antonio Jozé Marques, and the patacoens to take care of, he being a trustworthy person; and he saw on the address of the letter the declaration that 800 milreis were sent with it, and the patacoens appeared to him to be some 50 in number, whilst the second witness, who is the clerk to Antonio Jozé Marques, affirms that it was he who counted the money, who enclosed it in the letter, wrote the direction, and made the declaration which the mate found; the whole thus agreeing in every point: and—

Seventhly.—He will also prove, in respect to the patacoens, that their being on board is abundantly proved, inasmuch as the third witness declares that he it was who sold them at 1750 reis. The fourth witness was present at the sale, and saw the delivery of the patacoens, and the first witness received them on board from the hand of the master, and kept them in the cabin.

Eighthly.—He will prove that it is not intended to invalidate the basis of the *corpus delicti* on the delivery of the ship, spoken of at the end of the sentence embargoed, because the object is not now to prove whether the money were or were not lost from on board in the act of the capture, but, and solely, that such moneys were shipped. This will be proved at another time and place.

Ninthly.—He will prove that, seeing what has been set forth, the embargoed sentence cannot stand, and must be reversed; to which end he will also prove that the person offering the embargo is respectable, and incapable of seeking at law what is not due to him.

Tenthly.—He will prove that the present embargoes ought to be received and definitively adjudged to be proven, for the purpose of declaring in a new sentence, abrogating that which is embargoed, that the shipment of the money on board is substantiated and proved, without reference to its abstraction, which is not now the question; and that the person who offered the embargo be condemned in costs. He requires reception, necessary protests, and costs.

(Signed) JOAO MANOEL PEREIRA DA SILVA.

Nothing further is contained in the said sentence and in the embargoes to the same, the whole being set forth in the above-mentioned proceedings, of which I have caused a certified copy to be taken by a trustworthy person, and have found the same to agree in every respect with the original; in faith of which I have subscribed and signed the same in this very loyal and heroic city of St. Sebastian, capital of Brazil, on the 20th day of the month of February, in the year of our Lord 1841; and I, Luiz Antonio da Silva Aranjo, sign the same.

(Signed) LUIS ANT^o. DA S^a. ARANJO.

(A true Translation.)

(Signed) JOZE AGOSTINHO BARBOZA, Jun.,
Interpreter to the Commission.

No. 12.

To the Illustrious Judges of the Mixed Brazilian and English Commission.

Rio de Janeiro, March 20, 1841.

JOAO GONÇALVES LEITE, master of the galliot "*Alexandre*," says, that having to justify before the English Conservatorial Court the existence, and the disappearance from, on board of a sum of money at the moment of her capture, and as this money, as is the usage in the coasting-trade, was not despatched nor declared, although its being on board of the galliot was certain, the petitioner cannot, however, prove it as the law requires, and therefore the Judge Conservator did not admit the justification as proven; in consequence the petitioner re-appears to beg you, gentlemen, to proceed in the trial of the indemnities which are due to the petitioner, and which he required from you agreeably to the accounts presented, taking as proved or not this sum, and striking it out or including it, as you shall judge to be just.

(Signed) DR. JOAO MANOEL PEREIRA DA SILVA.

The petitioner adds to this a document the better to appreciate the loss which he suffered, in 600 arrobas of jerked beef, for which, in his account, he asks to be indemnified.

(Signed) DR. JOAO MANOEL PEREIRA DA SILVA.

(A true Translation.)

(Signed) JOZE AGOSTINHO BARBOZA, Jun.,
Interpreter to the Commission.

Campos dos Goytacazes, October 8, 1841.

We, the undersigned merchants in this city of Campos, attest that during the entire month of September of the present year jerked beef (carne seca), of good quality, was sold in this city at Rs. 3$40 per arroba. The 600 arrobas of beef, however, belonging to Gabriel Glz. Pereira, Theodoro d'Alm^da. Moreira, Manoel Antonio Ferr^des. Braga, and Antonio Joaq^m. Ribeiro Meirelles, which were taken in the galliot "*Alexandre*," and which those persons received here on the 4th of the present month, having now become in a very bad state, are not likely to fetch more than Rs. 1:200.

The above is the truth, which we will attest on oath if necessary.

(Signed) MANOEL FRAN^co. DE CARVALHO.
BENTO JOZE FERNANDES E S^a.
FRANC^o. DE PAULA DA S^a. PACHECO.
CUSTODIO JOZE COELHO DE ALM^da.

(A true Translation.)

(Signed) JOZE AGOSTINHO BARBOZA, Jun.,
Interpreter to the Commission.

Third Stage.

No. 13.

Rio de Janeiro, March 27, 1841.

THE claimants must prove :—

1st. That the carpenters and caulkers' work spoken of in the fifth item of their account for the repairs of the galliot in question was actually done, because the document presented by them is simply a valuation which can stand good for nothing.

2nd. The price at which they bought the beef spoken of in the sixth item, and that for which it was sold at Campos, since the document which they also offer in this respect treats only of a calculation of the price which it might have fetched, and not of that for which it was in fact sold.

3rd. They must present an authentic and detailed account of the amount of the 8th item, and not as a whole, as claimed in that account.

(Signed) CARNEIRO.
G. JACKSON.

March 29, 1841.

In addition to the above despatch the claimants must declare, besides the price for which the beef was sold, the number of arrobas which were actually shipped, and all this, at the latest, within 30 days.

(Signed) CARNEIRO.
GEORGE JACKSON.

(A true translation.)
(Signed) JOZE AGOSTINHO BARBOZA, Jun.,
Interpreter to the Commission.

No. 14.

Rio de Janeiro, Aprit 27, 1841.

To the Illustrious Members of the Mixed Brazilian and English Commission.

DOR. JOAO MANOEL PEREIRA DA SILVA, proctor of the master and proprietor of the Brazilian galliot "*Alexandre*," João Gonçalves Leite, has to declare to you, Gentlemen, that the month granted by the Court to present certain documents having expired, he is unable to present the same, because the aforesaid master has not yet arrived from Campos, whither he proceeded on the 14th of March, and who was charged as the most proper person to bring them.

Wherefore he requests of you to prolong the term till the arrival of the said master from Campos.

(Signed) JOAO MANOEL PEREIRA DA SILVA.

Answer of the Court to the above.

Rio de Janeiro, April 28, 1841.

IT being expedient to close with the least possible delay the judgment of the indemnities, and there being a regular communication by steam between this port and Campos, the petitioner is allowed till the arrival of his client, or at the latest, in default thereof, 20 days from this date.

(Signed) CARNEIRO.
G. JACKSON.

(A true translation.)
(Signed) JOZE AGOSTINHO BARBOZA, Jun.,
Interpreter to the Commission.

No. 15.

Rio de Janeiro, May 17, 1841.

To the Members of the Mixed Brazilian and English Commission.

THE time marked by you, Gentlemen, for presenting the final accounts has expired and my client, João Gonçalves Leite, master of the Brazilian galliot "*Alexandre*," arrived with them yesterday, the 16th instant, to be laid before you.

By No. 1 you will see that the expense claimed, that is to say the sum asked for repairs, &c., was less than the real expense by rs. 73,080, inasmuch as I claimed only the sum of rs. 250,000, whereas the accounts show an expense of rs. 323,080. This justification is legal. The public prosecutor was cited for it, and consequently it ought to be attended to, as that was the channel marked by the law, and the public prosecutor appeared, there being no English authority there.

By documents Nos. 2, 3, and 4, the prices at which the beef was bought here are proved; and it is not possible to present documents as to the price for which it was sold in Campos, because but a very small portion of it was sold in retail and at different prices, and almost the whole was sent to the estates, where it was received, and given to the slaves; the difference in the price of 1 000 per arroba claimed in the account, does not therefore appear to be too much, and upon this point a document already exists in the autos.

The document No. 5 proves the judicial expenses incurred, that is my fee as advocate, a gratification to the individual who receives and carries the despatches, and some small expenses that are always made, either in the one or the other case, it being impossible to go into its minor details, this not being customary. The requirements that the Commission ordered are consequently satisfied, and I have only to ask for the speedy conclusion of this case, and an increase in the item of the repairs of the galliot in the sum of rs. 73,080, and rs. 5760 in the judicial expenses of justification, seal, and legalisation of it, as is seen.

(Signed JOAO MANOEL PEREIRA DA SILVA,
Proctor.

Answer of the Court to the above.

Rio de Janeiro, May 18, 1841.

LET it be added to the autos.

(Signed) CARNEIRO.
G. JACKSON.

(A true translation).
(Signed) JOZE AGOSTINHO BARBOZA, Jun.,
Interpreter to the Commission.

No. 16.

Rio de Janeiro, May 19, 1841.

IT being impossible to examine the account of the indemnities respecting the costs of the process, by the document No. 5, offered by the proctor of the proprietors of the galliot "*Alexandre*," it is necessary that the said proctor present by the 24th of the present month a circumstantial account of the whole, in order to its being remitted to the accountant-general for him to allow what by law is due; and the proctor must likewise show by an authentic document the day on which the vessel was delivered to its owners: let this be intimated to him.

(Signed) CARNEIRO.
G. JACKSON.

(A true translation.)
(Signed) JOZE AGOSTINHO BARBOZA, Jun.,
Interpreter to the Commission.

No. 17.

Rio de Janeiro, May 24, 1841.

To the Illustrious Members of the Mixed Brazilian and English Commission.

YOU, Gentlemen, having required finally two documents, the one respecting the day on which the vessel was delivered up, which is annexed to this petition, and the other a detailed account of the judicial expenses of the galliot "*Alexandre*," I have to reply that it is my custom to make an agreement for such causes as I take in hand at a certain price, and that this, which I also undertook, was settled for the sum specified in the receipt which I gave, and which is in your possession; adding that the petty expenses included in my account, as is shown by that receipt, are such that it is impossible to give a circumstantial account of them, it being observable that you well know, Gentlemen, that it is not usual to pay judicial expenses according to the legal tariff, but as everybody does who wishes to be well served, and we have had to draw out certificates, &c., which are sometimes required with all haste.

Be pleased then, Gentlemen, to settle this question promptly, and let there be an end to your continual demands, taking such steps as you shall think necessary to finish with the claim of indemnities, which appears to be almost indefinitely prolonged.

(Signed) DR. JOAO MANOEL PEREIRA DA SILVA.

(A true translation.)
(Signed) JOZE AGOSTINHO BARBOZA, Jun.,
Interpreter to the Commission.

No. 240.

Her Majesty's Commissioners to Viscount Palmerston.

Rio de Janeiro, June 30, 1841.

MY LORD, (*Received September* 2.)

WE have the honour to inform your Lordship that Commander Smyth, of Her Majesty's brig "Grecian," brought into Court, on the 7th instant, the papers of a Brazilian patacho, called the "*Castro*," which he had detained on the 1st of the month, in a small creek called "Armação," in the bay of St. Ann's, between this port and Campos, on suspicion of her being engaged in the Slave Trade.

No time was lost in going into this case: the first examination was taken on the 9th, and the proceedings closed by a sentence of restitution, signed by the two Commissary Judges on the 25th; and we have the honour to transmit to your Lordship herewith the declarations and affidavit of Commander Smyth, the sentence of the Court in original and translation, and our report of the case, by which your Lordship will perceive that this detention was practised, not merely in violation of the second article of the Instructions, but really on very insufficient grounds.

The most plausible ground of suspicion against the "*Castro*" was the statement elicited in the examination of the master and pilot, that her owner, when at Rio de Janeiro, was a guest of a notorious slave-dealer, Manoel Pinto da Fonseca, which, connected with the fact mentioned as "circumstantial evidence" in Commander Smyth's declaration, that the bark captured by him

just before in the same spot was owned by that individual, might not unnaturally lead to a presumption that the patacho was, in some way or other, connected with that bark; and under this presumption it would be to be regretted that the captor, instead of at once detaining the former, should not have stood off beyond the range contemplated in the second article of his Instructions, and there watched her movements; when, if his suspicions were realized, he might have made a profitable and unobjectionable capture. As it is, the detention has produced a great outcry; the more so, as some respectable and perfectly innocent persons have been put thereby to much inconvenience, and there appearing nothing whatever to justify it, the act has prejudiced rather than favoured our cause; nor have our oppenents failed to make ample use of those parts of the captor's declaration where he speaks of the 35 volumes as indicating slave-traffic in the case of a vessel leaving this port for another on this coast, such memorandum being literally confined to an entry in the book, where the goods he took on board, and the names of their respective owners, are noted down, of 35 volumes, great and small, from Señor ———, and where again he offers a small iron taken from a shoemaker, and obviously used in that craft, as a corroborative proof of the existence of such traffic.

With regard to the observation with which the declaration terminates, that no letters directed to Campos were found on board, it is only necessary to notice the fact, that with that port there is a regular steam communication, whereas with Caravellas, for which place so many letters were found, no such communication exists.

Your Lordship will observe that the captor's proctor, in his argument, requires this Commission, so late as the 21st June, to order an examination of all the bales and packages on board the "*Castro*;" but with this the Court thought it quite useless, and indeed improper under the circumstances, to comply—a decision which, we trust, your Lordship will approve—more especially when the suggestion of Lieutenant Woodgate and the other officers, and its result, are considered.

We ought not perhaps, my Lord, to close our Despatch on this case without referring to the capture of the bark mentioned in Commander Smyth's declaration, made by him under the recent Act of Parliament, because the circumstance having been introduced by him into his declaration has occasioned observations which will probably reach your Lordship through another channel.

In informing Her Majesty's Chargé d'Affaires of the "*Castro*" having been brought into Court, we took occasion to call his attention to the remark which it gave rise to, expressive of surprise, that a vessel, confessedly belonging to a Brazilian resident in this city, and whose property has already been condemned in this Court, should be submitted to any other than this tribunal.

Such was the observation of the Brazilian Commissary Judge on reading Commander Smyth's declaration; but as he did not pursue it further, or attempt to put it in a more formal shape, we contented ourselves with observing in reply, that, though it was true that property (the "*Brilhante*" slave-vessel), well understood to belong to Manoel Pinto da Fonseca, had been condemned by this Court, yet that fact did not appear, nor was anything submitted to it in the course of the proceedings against that vessel which at all showed that individual to be concerned in the same; and that, at all events in the present instance, the bark had neither flag nor papers.

We have, &c.

(Signed) GEORGE JACKSON.
FRED. GRIGG.

Right Hon. Viscount Palmerston, G.C.B.
&c. &c &c.

First Enclosure in No. 240.

Captor's Declaration.

I, WILLIAM SMYTH, commander of Her Britannic Majesty's sloop "Grecian," hereby declare, that, on this 1st day of June, 1841, being at anchor between the islands of Branca and Feia, in the Bay of St. Ann's, on the coast of Brazil, I detained the patacho named "*Castro*," sailing under Brazilian colours, armed with no guns, commanded by Francisco Alves Pimenta, who declared her to be bound from Rio de Janeiro to Caravelles, with a crew consisting of 7 men, 2 boys, no supercargo, and 5 passengers, with 3 negro servants, whose names, declared by them respectively, are inserted in a list at the foot thereof; and I do declare my firm opinion to be that the said vessel, when detained

by me, was engaged in the Slave Trade; and I have formed this opinion from the following articles being actually on board her, connected with adjoining circumstantial evidence :—

1. Irons of various descriptions, such as are used to confine negroes.
2. Boilers 5 in number; also 2 lids of boilers such as are used on board slave-vessels, with a door and bars for a fire-place.
3. Six tubs, commonly called on board slave-vessels "cabungos," absolutely necessary on board vessels engaged in this illicit traffic.
4. One large hatch-bar, not in use, and stowed in the hold of the vessel.
5. Three casks of powder.
6. Seven cutlasses.
7. An immense quantity of jerked beef.
8. Several small tin ladles such as are used in cooking for slaves; also a considerable quantity of medicines.

I do further declare, as circumstantial evidence, this vessel, at the time she was boarded by a boat from Her Majesty's sloop "Grecian," was entering a creek called the Armação, notorious as being solely a deposit for newly-landed Africans; and that immediately before she was boarded the boats of Her Majesty's sloop "Grecian" had captured a bark partly equipped for the Slave Trade, supposed to be called the "*Constante*," from having been on a former occasion three days in the possession of an officer and crew belonging to the "Grecian;" whose owner, from the best information that can be obtained concerning her (the vessel having been deserted and set fire to on the approach of a boat from the "Grecian," and not a paper of any description left on board), is Manoel Pinto da Fonseca, a notoriously persevering slave-dealer. This bark, having no flag or papers, I have detained under the recent Act of Parliament, according to which Act she will proceed to a British Vice-Admiralty Court.

By the manifest of the said patacho a great quantity of the cargo marked *C* consists of articles adapted for the Slave Trade, and none of the articles under this mark are included in the marks that appear destined for Caravelles, which are various; and therefore the patacho was bound with part of the cargo marked *C* to the Armação, proceeding afterwards to her destination at Caravelles with the remainder; the only reason adduced for putting into the Armação, that of a foul wind which he could not beat against, is directly refuted by the officer sent in charge immediately weighing and working to windward with great ease. The pilot, on being asked why the vessel put into the Armação, declared that it was for ballast. This contradictory evidence, added to the articles already found on board, satisfied me that the vessel was prepared for carrying slaves, and, proceeding to a spot where a cargo had been landed from the bark, was aiding and abetting in that trade; and, therefore, conscientiously performing my duty, I place her before the Mixed Commission Court.

In confirmation of this I beg to declare to the Court that, in the book marked No. 11, which the master declared, before Lieutenant Thomas Woodgate and myself, were memorandums for the present voyage, that mention is made of "35 volumes pequenhos o grandes," the term "volume" being well known to the Court as signifying slaves; and in corroboration that slaves were intended to be dealt with, a small marking-iron, No. 32, used in marking slaves, was taken by Lieutenant Woodgate from the person of one of the passengers or crew, and is herewith sent to the Court.

Among all the private letters and papers found on board there is not a single one directed to Campos, but they are all for Caravelles and its vicinity, which are 37 in number, and are now handed into Court as found, under a firm conviction that the correspondence relating to the "35 volumes" has not been given up.

List of the Crew.

1. João Walters, pilot.
2. Franco. Xavier, boatswain.
3. Vicente da Almda., seaman.
4. João de Sta. Santos, do.
5. Justino Franco. do Santos, do.
6. Vicente Jorge, boy.
7. Leandro Jozé, do.
8. Antonio de Manoel.
   Caetano de Castro, slave.
9. João de Castro, slave.

Passengers.

Claurio Saul.
Jozé Muniz Cordeiro Gilahy.
Francisco Buvelot.
Edwardo Petoud.
Anto. Pereira des Neves.

Passengers' Servants.

Henrique de Nacio.
Zeferino.
Antonio.

(Signed) WM. SMYTH, *Commander.*

Witnesses. THOS. WOODGATE, *Lieutenant.*
W. F. FEAD, *Lieutenant.*

I, William Smyth, commander of Her Britannic Majesty's sloop "Grecian," hereby certify that, on this 1st day of June, 1841, being at an anchor between the islands of Branca and Feia, in the Bay of St. Ann's, on the coast of Brazil, I detained the patacho named "*Castro*," sailing under Brazilian colours, armed with no guns, commanded by Francisco Alves. Pimenta, who declared her to be bound from Rio de Janeiro to Caravellas, with a crew consisting of 7 men, 2 boys, no supercargo, and 5 passengers, with 3 negro servants, for being engaged in the Slave Trade, and that the papers and documents, as follows—

No.
1. A list of the crew.
2. Certificate of do.
3. Custom-house art.
4. Anchorage art.
5. Register.
6. Passport for Petoud.
7. Do. Claudine Saul.
8. Do. Buvelot.
9. Do. Gitahy.
10. Hospital certificate.
11. Memorandum-book.
12. Memorandums.

No.
13. A letter.
14. Manifest.
15. Letter.
16. A consulate despatch.
17. Do.
18. A consulate despatch.
19. Do.
20. Letter.
21. Memorandum.
22. Consulate despatch.
23. Do.
42. Do.

25. Consulate despatch.
26. Do.
27. List of cargo for Caravellas.
28. An account.
29. Memorandum.
30. An old bill.
31. A bag containing 37 letters and papers.
32. An instrument for marking slaves.

seized by me on board the said patacho, being marked from No. 1 to No. 32, are enumerated as above.

(Signed) WM. SMYTH, *Commander.*

Appeared personally William Smyth, Esq., commander of Her Majesty's sloop "Grecian," duly authorized and empowered, according to the provisions of the Treaty between His Britannic Majesty and His Imperial Majesty the Emperor of Brazil, to make seizures of vessels under Brazilian colours engaged in the Slave Trade; being duly sworn, maketh oath, that on the 1st day of the month of June, 1841, being at anchor between the islands of Branca and Feia, in the Bay of St. Ann's, on the coast of Brazil, he seized and detained the patacho called "*Castro*," whereof Francisco Alves. Pimenta was master, by reason that the said patacho was employed in the traffic in slaves, contrary to the existing Treaties entered into with His Britannic Majesty and His Imperial Majesty the Emperor of Brazil; and the deponent further maketh oath that the paper writings and documents, hereunto annexed, marked from No. 1 to No. 32, inclusive, were given or delivered up to this deponent by the master of the said patacho; and that the same are now brought and delivered up in the same plight and condition as when so received by this deponent, without any fraud, addition, subduction, alteration, or embezzlement whatever, save the numbering and marking thereof.

(Signed) WM. SMYTH, *Commander, H.M.S.* "Grecian."

On the 7th day of June, 1841, the said Commander William Smyth was duly sworn to the truth of this affidavit,

Before me,

Second Enclosure in No. 240.

(Translation.) *Sentence.*

THE present proceedings being seen and examined, in regard to the detention of the Brazilian patacho "*Castro*," on the 1st day of the present month of June, by Her Britannic Majesty's brig-of-war "Grecian," William Smyth commander, on suspicion of her being engaged in the Slave Trade, it is seen that this patacho, the property of the Brazilian subject Manoel Caetano de Castro, has been by him employed in the coasting trade between this port and that of Caravellas; and that, sailing hence, on the 28th day of May of the present year, furnished with a passport and other legal documents, as well in regard to navigation as to the cargo for Caravellas, by Campos, she was detained, on the 1st day of the present month, distant from 300 to 400 yards from land, by the above-mentioned brig "Grecian," which was then at anchor between the islands Branca and Feia, in St. Ann's Bay, on the coast of this empire, and sent immediately to this port for trial, conformably to the 1st Article of the Instructions intended for the ships of war employed to prevent the illicit traffic in slaves.

The locality of this capture—*i.e.* its having been made in a creek in the territorial waters of Brazil—would of itself be alone sufficient to establish the illegality of the detention, and the incompetency of this Commission to take cognizance of it, in view of the 2nd Article of the same Instructions. Considering, however, the particulars given in the captor's declaration, it became the duty of this Commission to scrutinize whether this prize, although improperly submitted to it for trial, might not possibly be accompanied by such circumstances as should make it incumbent upon the Court to remit the prize for trial to the Imperial Government, instead of ordering her immediate restitution. With this view the Commission directed a most careful examination to be made by its own officers respecting the boilers and other indications, alleged by the captor as the grounds of justification of this detention.

The result of such examination, as well as the depositions of the witnesses, particularly of the two Swiss passengers, who were repairing to their estates in the neighbourhood of Caravellas, completely destroying these grounds, the Commissary Judges adjudge the detention of the aforesaid Brazilian patacho "*Castro*" to be illegal; declare her to be a bad prize to Her Britannic Majesty's brig-of-war "Grecian," William Smyth, commander; and order that she be released and immediately given up, with all her cargo and appurtenances, including Nos. 9 and 10 on the muster-roll, slaves of the owner of the vessel, and three servants belonging to the passengers in the same, leaving the owners and other parties interested at liberty forthwith to present to this Commission the account of the indemnities, to which, in conformity to their protest and to the regulations of the Commission, they may be entitled.

(Signed) JOAO CARNEIRO DE CAMPOS.
GEORGE JACKSON.

(A true Copy.) (Signed) BRAZ MARTINS COSTA PASSOS, *Secretary.*

(A true Translation.) (Signed) JOZE AGOSTINHO BARBOZA, Jun., *Interpreter to the Commission.*

Rio de Janeiro, June 25, 1841.

Third Enclosure in No. 240.

Report of the case of the Brazilian patacho "Castro," *detained, on the* 1*st June*, 1841, *in the Bay of St. Ann's, on the Coast of Brazil, by Her Majesty's brig-of-war* "Grecian," *William Smyth, Commander, on suspicion of being engaged in the Traffic of Slaves.*

THIS patacho, the property of a Brazilian subject, Manoel Caetano de Castro, has been for some time engaged in the coasting trade between this city and Caravellas, and having sailed hence for Campos and that port on the 20th of May last, with her passport and other papers quite regular, she was detained, when about to enter a small creek called the "Armação," in the Bay of St. Ann's, where she was putting in for a supply of wood, and to wait for a favourable wind, by Her Majesty's brig-of-war "Grecian," on suspicion of being engaged in the traffic of slaves.

On the 7th instant Commander Smyth brought the papers of the "*Castro*" into Court, and, in addition to the usual declarations and affidavits setting forth the grounds of such suspicion and detention, added the report of a survey made by his order on the preceding day, after the arrival of his prize in this port, by Lieutenant Woodgate and other officers of his ship.

In ratifying these papers, Commander Smyth, on being examined by the Court, made the further deposition contained in Annex, No. 2.

This admission of Commander Smyth relative to the locality of the detention it was felt might at once have stopped all proceedings before this Court; but, for the reason stated in the sentence, the case was allowed to proceed; and the usual monition having issued, according to the forms of this country, five witnesses were examined, the examination commencing on the 9th of June, viz.—the master, the boatswain, and the pilot of the patacho, the latter a British subject; and two passengers, natives of Switzerland, on board the same.

The first witness, Francisco Alvares Pimenta, swore that he was a native of Lisbon, but a Brazilian subject, a seafaring man, and now master of the patacho "*Castro*;" that her owner was Manoel Caetano de Castro, who had no establishment in this city, but was a guest of Manoel Pinto de Fonseca, residing in the Rua da Quitanda; that on leaving the Port of Rio de Janeiro he was bound for Caravellas by the way of Campos, and that he put into the bay of the Armação, where there are only a few small houses, and which is rather further from Campos than from Rio de Janeiro, because his pilot told him that the wind was contrary, and that it would be well to wait there for a change, to which he agreed, as they began to want wood, having sufficient only for three days; that on leaving this he had enough for eight days, and that it is his custom when he happens to be in want of wood on a passage to put into some port on the coast for a supply; that he was on the point of anchoring, and very near the shore, when he was boarded by the boats of the brig which captured him; that the goods which he had on board, with the exception of some which belonged to the owner of the patacho, and which were to be sold at Campos if he found any buyers, were all destined for Caravellas; that none of them were calculated for the traffic in slaves; and, on being referred to the declarations of the captor, he replied that of the jerked beef 600 arrobas belonged to the owner of the patacho, which were to be sold at Campos or at Caravellas, 150 arrobas to him, deponent, for the same object, and 120 arrobas to a shipper, to be delivered at Caravellas; that, as to the irons, they were the property of a passenger, Edward Petaud, a Swiss, who was taking them for the security of the slaves on his own estate at Caravellas, viz., three pair of irons, three chains, two new and one old, and two neck-irons, which were all sewn up in a cloth, with the mark of their owners upon it, besides six small swords, fit for cutting in the woods; that, as to the boilers, which are all small, they were intended for the slaves on the estate of the owner of the patacho, the largest not being more than sufficient for six persons; that, as to the bars for the fire-place, they were two plates of cast-iron, fit for stoves, with their doors, the one belonging to a passenger named Buvelot, a Swiss, and the other he, deponent, was taking on commission; that, as for the tubs, four in number, they were for carrying water, and belonged to the owner of the patacho; and, finally, as to the large hatch-bar, there was only one which was for the use of the patacho; that on his entering the bay he saw two vessels, the one the brig of war, the other a bark, but that he did not know the latter, was carrying nothing for her, nor had any communication with her; that he has been navigating on the coast of Brazil for the last 16 years, but that he never underwent any nautical examination, nor was it the custom to keep any reckoning on these coasting voyages; that he did not attend to the course of the patacho at sea, which was entrusted wholly to the pilot when once outside the bar; that there was no cargo on board but what was despatched for Campos, including the pans, though all was not to remain there.

On being shown the memorandum mentioned in the declaration of the captor, respecting the 35 volumes, great and small, he said it was a memorandum of the packages which he took on board with him when he embarked, and which are now on board.

The second witness, Francisco Xavier, swore that he was a native of Pernambuco, and a Brazilian subject, a seafaring man, and now boatswain of the Brazilian patacho "*Castro*;" that he had always sailed along the coast of Brazil, and had never been anywhere else; that the said patacho was bound for Caravellas by way of Campos; that the jerked beef was also for Caravellas, to be sold there, and not intended for any vessel whatever. Being questioned as to the irons, he replied that he knew nothing of them, and had never seen them. With respect to the boilers, stoves, and other articles mentioned by the captor, the evidence of this witness agreed with that of the preceding, as also with respect to the cause of their putting into the bay of the Armaçao.

The third witness, John Waters, swore that he was a British subject, residing at Caravellas; that he came to this country as a sailor fifteen years ago; that he has got his living as a coasting pilot for the last eight years, and that he is now pilot of the patacho "*Castro*," on board of which he first engaged himself in January, 1840, having made his agreement with the owner, Manoel Caetano de Castro, who is established at Caravellas, where he has two stores, and is also concerned with the felling of timber; that he, deponent, made his agreement also for the present voyage with the same, who came up with him to Rio de Janeiro, and whom he left in this city at a house in the Rua da Quitanda, when he sailed from hence. That this agreement was the same as on all preceding voyages, namely, eighty milreis to pilot the vessel to and fro; that his orders on this occasion were to proceed to Campos, and thence to Caravellas; that as soon as they were out of the port he alone had the command of the vessel; that he had never before anchored in the bay of the Armação, but that, on the last voyage but one, having sprung his masts, he was about to put in there, but the wind shifting he stood on without stopping. This deponent gave the same reasons as the preceding witness for putting in there on this occasion, and denied also any knowledge of the bark which had been taken by the "Grecian," or that he had purposed any communication whatever with her; and the observation of the captor being read to him respecting the facility of working to windward, he replied that it was easy to do so in order to clear the bay, but that he could not beat up to Campos, nor is it usual for coasting vessels at this season of the year to beat to the northward, but to wait for a favourable wind from the south.

Being asked by the captor's proctor at what time in the afternoon he made up his mind to make for the bay, and how the wind was at that time, he replied about two or three o'clock, intending, if the wind, which was then north-east, should favour him, to fetch in that tack, and if not, to return to Cape Frio to anchor.

Being further asked by the same proctor whether any letters for Campos were on board, he said that he did not know, and on being shown the iron, mentioned in the captor's declaration as used in marking slaves, he answered that it belonged to one of his passengers, a Frenchman, said to be a shoemaker; that he saw it taken out of his pocket, and that he had it for marking the soles of shoes.

Being also asked, by the same, whether he was acquainted with any persons at the Armação, he replied that he was formerly, but that he did not know whether they resided there now, not having been on shore there for nearly five years.

The fourth witness, Edward Petaud, swore that he was a native Swiss, a Prussian subject; that he was a coffee-grower in the colony of Leopoldina thirteen leagues from Caravellas, and that he was a passenger on board the patacho "*Castro*," and that he had on board some goods, of which he produced a list, adding that he had, besides, packed up and marked with his initials, the irons, chains (the latter intended for scales for weighing coffee), neck-irons, and small swords for cutting in the woods, referred to by the captor; that he had been established in that colony seven years; that he was not in the habit of making journeys to Rio de Janeiro, and that he only came to this city from Nova Friburgo (where he had been on account of his health) to see the coronation.

The fifth witness, Francis Buvelot, swore that he was a native subject of Switzerland, a grower of coffee at Villa Viçosa, in the district of Caravellas, and that he was passenger on board the patacho "*Castro*," by which he also arrived at Rio de Janeiro last April; that he had now some goods on board, of which he produced a list, in which are included a pan, a stove for roasting arrow-root and tapioca, as well as a parcel of medicines.

Immediately on the two first depositions being taken, the Court ordered a survey to be made by its Interpreter and Marshal, of the boilers, bars for fire-place, and other irons mentioned in the allegations of the captor. The report of these officers was received on the 12th. The examination of the other witnesses, which had been retarded a few days by the illness of the Brazilian Commissary Judge, was completed on the 17th, and the Court were then prepared to give sentence in this case, when the proctor for the captor presented the enclosed petition, praying for time to offer certain documents in support of the prosecution. This it was not thought right to refuse, and on the 22nd inst. he offered the accompanying argument; and on the same day the proctor for the claimant offered his in defence.

The former offering nothing to induce the Court to take a different view of this detention than what it had previously formed, the proceedings were immediately ordered to be closed, and, on the 25th inst., the two Commissary Judges signed a sentence of restitution, declaring the detention of the "*Castro*" to have been illegal, and ordering her to be forthwith restored to her owners, with liberty to the parties interested to present an account of the indemnification to which they may consider themselves entitled.

(Signed) GEO JACKSON.
FRED. GRIGG.

Rio de Janeiro, June 30, 1841.

Fourth Enclosure in No. 240.

ANNEX 1.

Report of Survey.

PURSUANT to an order from William Smyth, Esq., commander of Her Majesty's sloop "Grecian," of this date, we, whose names are hereunto subscribed, have been on board the Brazilian patacho "*Castro*," and, on a strict and careful survey, find the following articles on board:—

A general cargo, including an immense quantity of jerked beef, biscuits and flour, canvas, fazendas, tobacco, snuff, powder, chains and irons with shackles, such as are used for confining slaves, several boilers, tops of boilers, with a door and bars for a fire-place, sundry tubs commonly called on board slavers cabungos, and cutlasses; also several hundred weight of round iron bars; leads, both deep-sea and hand; several large blocks, too large for the use of a vessel of this size; a large hatch-bar, not in use; potatoes, butter, tea, in tin canisters.

On deck one large boat with grapnel rigging complete, one foresail, one topsail, one top-gallant sail, one mainsail, two jibs, one topmast staysail, one lower and one topmast studding sail, three anchors, one chain and one grass cable, one Brazilian ensign, one signal flag, two compasses, one grass hawser.

Time not admitting of moving the immense quantity of jerked beef, we respectfully beg to suggest the propriety of moving it, should an opportunity offer, as a portion of this vessel's cargo is apparently intended to equip the bark just captured, and our opinion is that other discoveries may be made tending to prove such to be the case.

Given under our hands on board the Brazilian patacho "*Castro*," at Rio de Janeiro, this 5th day of June, 1841.

(Signed) THOS. WOODGATE, *Lieutenant*
N. B. PEARCE, *Master*
JOHN RICHARDS, *Boatswain*
} *H. M.'s sloop "Grecian."*

The jerked beef above alluded to has been moved without any further discovery.

(Signed) THOS. WOODGATE, *Lieutenant*
N. B. PEARCE, *Master*
JOHN RICHARDS, *Boatswain*
} *H. M.'s sloop "Grecian."*
FRANCISCO ALZ. PIMENTO,
Master of the patacho "Castro."

Fifth Enclosure in No. 240.

ANNEX 2.

Captor's Deposition.

IN rply to a question put to him by the Brazilian Commissary Judge, Commander Smyth deposed that he took the patacho in question in the Bay of St. Ann's, at the entrance of a small creek named Armação, distant, as well as he can judge, from 300 to 400 yards from the land; and being subsequently asked by the British Commissary Judge at what distance he was from land when he first saw the patacho, he answered that it might be a quarter or half a mile, when he immediately despatched his boat to board and examine her, as she appeared to be making for the said Armação; that his boat boarded her when she was still under sail, and that a few minutes after she anchored by order of Lieutenant Woodgate, the boarding officer, who, in about half an hour, sent to him to say that he had found in her irons, tubs, and boilers, upon which he himself repaired on board the said patacho, where observing the above articles to exist, he decided on detaining and bringing her before this Commission.

Sixth Enclosure in No. 240.

ANNEX 3.

Report of Survey.

Rio de Janeiro, June 12, 1841.

To the Commissary Judges of the Mixed Brazilian and English Commission.

PURSUANT to your order of the 9th instant, I proceeded this day accompanied by the Marshal of the Court on board the patacho "*Castro.*" On my arrival the person who was in charge of the prize informed me that he could not show me anything without an order from the English frigate "Crescent;" to which I then proceeded, and from there an officer was sent with the keys of the hold, and the Marshal of the Court was shown in my presence the following articles, viz.:—

One new copper pan with handles, measuring 22½ inches in diameter and 10 inches depth.

One	ditto	ditto	18½	ditto	8½ ditto.
One	ditto	ditto	17	ditto	7 ditto.
One	ditto	ditto	10	ditto	4 ditto.
One	ditto	ditto	27	ditto	3 ditto.

This last-mentioned had no handles, and is equal to those generally used on the estates to roast the farinha.

One new iron door for a stove, measuring 8 inches length, 6 ditto height.
Eight iron bars for the same, each bar 13 inches long.
Three irons for securing persons by the feet.
Two pieces of iron chain, one 10 feet long, one 12 ditto.
Three irons to put round the neck, commonly called gargalheiras.

I did not find, nor does there exist, any boiler, and only the five new pans before mentioned.
I have nothing further to report in the examination made by me.

(Signed) JOZE AGOSTINHO BARBOZA, Jun.,
Interpreter to the Commission.

Seventh Enclosure in No. 240.

ANNEX 4.

(Translation.) *Petition.*

To the Illustrious Commissary Judges of the Mixed Brazilian and English Commission.

ROBERT HESKETH, proctor for Commander Smyth, says that having to offer certain documents respecting part of the cargo on board the patacho "*Castro,*" together with the argument which on behalf of the captor he has also to present to this Commission, and being unable for the next two days to procure the required documents from the Consulate, he therefore prays that you, gentlemen, will grant a few days for obtaining the same.

The above is in the handwriting of Mr. Hesketh, but not signed.

Answer of the Court to the above.

Rio de Janeiro, June 17, 1841.

THE Commission was agreed on giving sentence in this case forthwith, in view of the proceedings already had, and of what is already before it; if, however, the petitioner deems it indispensable to offer fresh proof, the Court, not wishing to deprive him of the power of submitting whatever argument he may think fit, grants a delay till the 22nd instant definitively.

(Signed) GEORGE JACKSON.
CARNEIRO DE CAMPOS.

(A true translation).
(Signed) JOZE AGOSTINHO BARBOZA, Jun.,
Interpreter to the Commission.

Eighth Enclosure in No. 240.

ANNEX 5.

Argument of the Captor's Proctor.

Rio de Janeiro, June 21, 1841.

A NEW fraud is now presented to this Commission in order to cover a crime terrible in the eyes of humanity, of religion, and even of the truest interests of the country. When the spirit of speculation finds difficulties on the one hand, it endeavours to attain its object in some other way, and whenever any speculation is hurtful and condemned by the laws, the firmness of the judges in the examination of the laws can alone effect the extinction of such spirit of speculation; the case which is now presented to this Commission is a proof of what we have just said.

The prohibited commerce in Africans has, up to this time, been covered by the Portuguese flag, under which the traffickers in this illicit commerce set at nought the justice, the power, and the force of both Governments; but as such a scandal could not longer continue, it became necessary that men evidently immoral should no longer find shelter under this flag, but they had recourse in their immorality and impudence to other means, it appearing to them preferable to outrage justice and the Government of the country even under its own flag. The vessels which in former time were navigated and carried on this trade under the Portuguese flag, with simulated papers, have again passed to Brazilian ownership, and as it was not practicable to fit them out and to load them for that traffic in this port, seeing that on leaving it they were captured, as is not unknown to this Commission, they had recourse to the expedient of sending them to those ports of the provinces in which there is no custom-house, and with a pretended destination to another port on the coast, of forwarding to them from hence the cargo and the supplies necessary for the return. Already has a brig, which, as this

Commission must know, had discharged in a similar port, been captured by Brazilian ships of war, and even now Her Britannic Majesty's ship of war "Grecian" has just taken a ship in these very circumstances, which fully demonstrates the truth of these facts, or, we would say, of these means employed to cover the illicit trade of these traffickers. With such a destination it was that the patacho "*Castro*" in question was taken: having cleared from this city with a cargo for Campos and Caravellas, she proceeded to the port of the Armação, where there is no custom-house, at a time when a ship which had landed Africans, and was waiting for an (outward) cargo and for orders, was captured. The simple fact of the said ship engaged in the traffic of Africans being in that place, combined with the fact that the patacho was proceeding to that port, which was not her destination, and there being nothing to show the necessity thereof, and bearing in mind that it is now the custom of the slave-dealers to cause their vessels to discharge in those ports, and to wait for the cargo and the supplies which are sent to them from this place in other vessels in order to revert to the traffic, there is doubtless a very strong presumption against the patacho in question.

To this is to be added, that on board of the patacho were found irons used for slaves, and in the book a declaration of 30 volumes, large and small, which, in the language of the traffickers, means great and small Africans; and further, the fact that the goods were despatched at the Consulate for Campos and Caravellas without there being found any letter or order directed to Campos, which shows that such was not her destination, but some other object, which could only be the taking a cargo and provisions for the captured ship. A list found on board, and in the autos, does not contain all the packages found on board, and some have the marks which have constantly been found on board of vessels bound for the coast of Africa.

We have not opened the packages on board, nor have we examined the bales, being unwilling to do so without the order of this Commission. From the examination of the same much light will be gained; papers and orders will be found among some of them, and their nature will be ascertained as being proper for the commerce of the coast of Africa, and we therefore require this Commission to order such examination, to the end that it may decide with full knowledge of the case.

This business is entirely fraudulent and simulated, and such frauds and simulations being always the result of plans well combined and carefully arranged cannot be proved but by indirect proofs. If this Commission disregard these proofs—if it reject the presumptions and indications which shall betray such frauds—if it shall not facilitate the examination and researches which may tend to discover truth, and to unravel the mesh with which it is enveloped, it will not, in that case, be possible to put a stop or barrier to this spirit of scandalous immorality, inasmuch as the traffickers will find in the scruples of the Commission the means of protecting their frauds and their contrivances. It is necessary, Gentlemen, that you attend to the nature of such frauds, and to the interest which the traffickers have in concealing the end and the means of their speculations, not to allow yourselves to be deluded by them.

Wherefore seeing what has been set forth, we hope that this Commission, weighing well all the circumstances, and even that the captured parties have not proved their innocence, as they ought to have done, especially as it is known that the patacho in question is the property of Manoel Pinto da Fonseca, one of the most powerful of those engaged in this contraband traffic, and who is accustomed to carry it on under another name; since the presumptions and the indications against the patacho have not been refuted by the captured, and since it has been impossible to discover the truth by the examination of the bales and packages on board, we hope that the Commission, armed by justice, will adjudge the capture of the said patacho to be good and legal, and for which we refer to the judgment of the Court.

(Signed) ROBERT HESKETH.

(A true translation.)

(Signed) JOZE AGOSTINHO BARBOZA, Jun.,
Interpreter to the Commission.

Ninth Enclosure in No. 240.

ANNEX 6.

Argument of Claimant's Proctor.

Rio de Janeiro, June 22, 1841.

Illustrious Members of the Mixed Brazilian and English Commission.

Dr. Joao Manoel Pereira da Silva, proctor for the owner of the Brazilian patacho "*Castro*," presents, in pursuance of your Despatch, the defence of that vessel, and trusts that you will order it to be annexed to the proceedings, and that seeing its most important matter, you will shortly pass a sentence declaring her to be a bad prize, and that she be delivered free and unembarrassed to her owner; and that the indemnities to which he is entitled be fixed according to his protest already presented to you.

(Signed) J. M. PEREIRA DA SILVA.

The detention of the Brazilian patacho "*Castro*" was an act inconsiderately practised by the commander of the English brig of war "Grecian," as we proceed to demonstrate.

Being the property of the Brazilian subject Manoel Caetano de Castro, as is proved by the certificate No. 1, she has been constantly employed in the coasting trade between the ports of Rio de Janeiro and Caravellas, as is shown by the document No. 2, and by the passport itself, annexed to the proceedings, showing that it has already served for two voyages, as also that her construction and masts (the patacho having been built in Iguape in the year 1838,) take away every suspicion of her being employed otherwise than in the coasting trade. Leaving Rio de Janeiro on the 28th of May, with all the necessary documents required by Brazilian laws, and with a cargo wholly lawful and legally despatched by the several Boards of Rio de Janeiro, she could not in any way be suspected or visited by an English ship of war engaged in cruizing, in virtue of the 5th article of the Additional Convention of 1817, and of the 1st article of the instructions annexed thereto, by reason of the

absence of any ground, or reasonable motive of suspicion of being engaged in the traffic. The vessel, however, was not only visited, but was even detained after being visited, and thus the Treaty existing between the Empire of Brazil and the United Kingdom of Great Britain and Ireland was manifestly violated. Whenever slaves are not found on board for the traffic, as required by the articles 5 and 6 of the aboye-mentioned Convention, and by the 1st article of the instructions to the cruizers, they could not detain the patacho, even if there were the strongest indications of her being employed in the traffic, which hypothesis however does not exist, inasmuch as there are no such indications; but on the contrary, there results from the examination which has been made on board, and from the depositions, a complete proof of the legality and the truth of her voyage, as declared in the passport with which she sailed, and with which she had previously navigated.

Here it is also fit that this Mixed Brazilian and English Commission should observe, that two or three days after the patacho sailed from Rio de Janeiro, and before she was detained by the brig "Grecian," she fell in off Cape Frio with the "Partridge," also a ship of war of Her Britannic Majesty, employed in cruising, which after boarding and speaking her, and examining several things, allowed her quietly to continue her voyage, not finding any indications to excite suspicion; it being also to be noted that the capture, or rather the detention, was made, as the Captor himself admits in his declaration to the Commission, at the distance of 300 yards from the shore and in the Bay of S^{a} Anna, at the entrance of a little creek called Armação, which constitutes a flagrant violation of the Treaties between the Government of Her Britannic Majesty and that of His Imperial Majesty, as also of the plainest rules of the rights of nations, inasmuch as such a distance from the shore is considered as a continuation of the same territory, as is also the entrance to any bay, thus establishing that the detention was made in the territorial seas of Brazil, and for this reason also null, besides being an infraction of the Treaties and rights of an allied and friendly nation.

These considerations would suffice for the object which we have in view, viz., the release of the ship and cargo and the payment of indemnities, losses, detriment, and profit ceasing, which may ensue from that act, and on behalf of all and each of those interested in the vessel and cargo. In the meanwhile let us analyze the motives, which the Captor alleges as having induced him to detain the patacho.

1st. On account of irons of various sorts, according to the custom of slave-vessels. This motive is rebutted by the declaration of the passenger Petaud, to whom they belonged, who affirms that they were for the use of his plantation at Caravellas, these irons being solely, as the examination shows, three fetters for confinement, two chains, one of which is old, and three iron collars; and so true is this, as the master deposed, that the whole was in a bag, sewed up, and under the mark of the said Petaud. And whoever observes the small number of such irons, and the necessity of having them on the plantations for the control of the slaves, must acknowledge how groundless is such a motive, and therefore admit its nullity.

2nd. On account of 5 boilers, 2 covers, 1 door and bars for a stove. Bearing in mind the examination which was made, it is seen that 4 of the so-called boilers are 4 small pans with handles, the largest of which is 22½ inches in diameter by 10 in depth, and the smallest is only 10 in diameter by 4 in depth; that the fifth boiler is a so-called pan for roasting farinha of Mandioca, being 27 inches in diameter by 3 in depth; that the plate, the door, and the 8 bars of iron, are for an oven; this is ascertained by the declaration of the witnesses. How, then, in view of this examination, can the ground of such indication be supported?

3rd. As to the 6 tubs of which the captor speaks, it is collected that there are only 4 barrels for water.

4th. The large hatch-bar is the only one that the patacho used, and which on this occasion was, perhaps, in the hold, as sometimes happens.

5th. By the finding of 3 barrels of powder, of 7 swords, and of a large quantity of jerked beef, nothing can be inferred against the patacho, since everybody knows that Rio de Janeiro exports in every direction powder and jerked beef in quantities, and even articles of foreign produce; and as to the swords, it is seen that they are old, and belonging to a foreigner, who, living in the interior, admitted that he was taking them for cutting bushes.

6th. The medicines also belonged to a passenger, Buvelot, as well as the other things of which the Commander speaks. Neither does the motive hold good that (the vessel) was entering a bay known as a place where many Africans are landed by contraband, inasmuch as the declarations of the master, the mate, and the passengers, show the reason which took them thither, and it is well to know that all such coasting vessels call from port to port, according as they become short of provisions, of wood, of water, &c. Thus it occurred with the patacho "*Castro*," which, having sailed with wood for eight days, a stock which, as she was to call at Campos, appeared to be sufficient, made for the port of the Armação for a further supply, having then only enough left for three days.

7th. By the term "packages" (volumes) written by the master in his memorandum book of cargo. The illustrious Judges will examine that book, will analyze the whole, and will see whether the captor's interpretation of the word volumes is admissible!!! The captor's assumption appears indeed to be most extravagant. And here it must be confessed that this charge is not less extravagant than that which describes a small iron for marking shoes in the possession of a passenger, a shoemaker, as an iron for marking blacks!!!

In the absence of reasons to justify his illegal proceeding, the captor finds himself obliged to have recourse to these and other miserable sophisms to justify the act practised by him, and of which he now, no doubt, repents, alleging only that it is his firm opinion.

In view of such weighty arguments we trust that this distinguished tribunal will pronounce by its respectable sentence, as soon as possible, that the detention of the patacho was illegal, and that she be consequently restored and delivered to her owner with all her cargo, including in the same sentence the payment of the indemnities due for the prejudices, losses, damages, and profits ceasing, that have resulted therefrom, do and shall result to the parties interested till her final restitution, for which he protests by all the laws of right and justice, &c.

(Signed) J. M. PER. DA SILVA.

(A true translation.)

(Signed) JOZE AGOSTINHO BARBOZA, Jun.,
Interpreter to the Commission.

Rio de Janeiro, June 22, 1841.

No. 241.

Her Majesty's Commissioners to Viscount Palmerston.

Rio de Janeiro, July 2, 1841.

MY LORD, (*Received September* 2.)

WE have had the honour of receiving your Lordship's Despatch of 20th of March, 1841, acquainting us that the Queen's Advocate is of opinion, on our report of the case of the Brazilian vessel "*Alexandre*" being referred to him, that this Court of Mixed Commission acted quite properly in decreeing her release, for which communication we beg leave to tender to your Lordship our acknowledgments.

We have, &c.

(Signed) GEORGE JACKSON.
FRED. GRIGG.

The Right Hon. Viscount Palmerston, G.C.B.,
&c. &c. &c.

No. 242.

Her Majesty's Commissioners to Viscount Palmerston.

Rio de Janeiro, July 2, 1841.

MY LORD, (*Received September* 2.)

WE have the honour to acknowledge the receipt of your Lordship's Despatch, transmitting to us, for our information, three copies of a Treaty concluded at Buenos Ayres on the 24th of May, 1839, between Her Majesty and the Argentine Confederation, for the abolition of the Slave Trade, the ratifications of which were exchanged at Buenos Ayres on the 16th of May, 1840.

We have, &c.

(Signed) GEORGE JACKSON.
FREDERICK GRIGG.

The Right Hon. Viscount Palmerston, G.C.B.,
&c. &c. &c.

No. 243.

Her Majesty's Commissioners to Viscount Palmerston.

Rio de Janeiro, July 2, 1841.

MY LORD, (*Received September* 2.)

WE have had the honour to receive your Lordship's Despatch of the 22nd of April, 1841, transmitting to us, for our information, three copies of a Convention concluded at Port au Prince on the 23rd of December, 1839, by which the Republic of Hayti has acceded to the Conventions for the suppression of the Slave Trade concluded between His late Majesty and the King of the French on the 30th of November, 1831, and the 22nd of March, 1833; and further acquainting us that the ratifications of the above Convention were exchanged at Port au Prince on the 20th of October, 1840.

We have, &c.

(Signed) GEORGE JACKSON.
FREDERICK GRIGG.

The Right Hon. Viscount Palmerston, G.C.B.,
&c. &c. &c.

No. 244.

Viscount Palmerston to Her Majesty's Commissioners.

Foreign Office, September 3, 1841.

Circular announcing the appointment of the Earl of Aberdeen.

(See No. 36).

(Extract.)

No. 245.

Her Majesty's Commissioners to Viscount Palmerston.

Rio de Janeiro, July 7, 1841.
(Received September 7.)

On the 2nd instant Mr. Grigg received a private note from Her Majesty's Chargé d'Affaires, with a request that he would communicate it to Sir George Jackson, stating that "for some time past there had been correspondence and propositions respecting the treatment of the liberated Africans at the Casa de Correcção and *elsewhere*, that a commission was to be formed and an examination instituted, and that he was about to address an invitation to us to take part in this commission."

On the following day the official Letter, dated the 2nd instant, was received from Mr. Ouseley, to which we lost no time in replying, by the assurance of our readiness to receive his proposition with every attention, but reserving our actual acceptance of it till we were more distinctly informed, by his promised communication, of its nature and extent. We spoke to the Brazilian Commissary Judge on the subject, and, collecting from him that the sole object to be inquired into is the truth of an accusation against the Superintendent of the Casa de Correcção, we signified to Mr. Ouseley our consent to become members of the commission in question; respecting which, so soon as it may come into operation, we shall, of course, make early and careful reports to your Lordship.

In the mean time we have the honour to forward, for your information, copies of the correspondence that has taken place on this occasion; and have only to add that we trust the conduct we have pursued will meet with your Lordship's approbation.

First Enclosure in No. 245.

Mr. Ouseley to Her Majesty's Commissioners.

GENTLEMEN, *British Legation, Rio de Janeiro, July 2nd, 1841.*

HAVING thought it my duty to remonstrate with the Imperial Government against the treatment experienced by the Africans liberated by the sentences of the Mixed Court of Commission, when placed in the "Casa de Correcção," I have just received from the Minister of Foreign Affairs a reply to my representation.

I shall take an early opportunity of communicating for your information the correspondence that has taken place on this matter, the immediate departure of the packet preventing me from doing so at this moment. I confine myself, in the meantime, to informing you that the Imperial Government has resolved upon naming a Commission to examine into the alleged abuses of the administration of the "*Casa de Correcção*," and have requested me to propose to you, Gentlemen, to form part of this Commission.

The other members of the proposed Commission are to be the Brazilian Judge and Arbitrator, and Senhor Manoel de Jesus Valdetara, *Juiz de Direito da 1ra. Vara Crime.* A secretary will be chosen for this Commission from among the officers of the Department of Justice.

It would be superfluous on my part to point out to you, Gentlemen, the advantageous results which may be expected from the appointment of a Commission such as that now proposed. It is essential, in my opinion, however, that British officers of experience in the matters which will have to be examined into should form part of this Commission, in order practically to further the objects of Her Majesty's Government, and it is therefore that I consider it my duty strongly to recommend that you should consent to become members of the proposed Commission.

Requesting to be furnished with your decision on this proposal at your earliest convenience,

I have, &c.

Her Majesty's Commissioners, &c. &c. &c. (Signed) W. G. OUSELEY.

Second Enclosure in No. 245.

Her Majesty's Commissioners to Mr. Ouseley.

SIR, *Rio de Janeiro, 5th July, 1841.*

IT would be superfluous to assure you of our readiness to further the objects of Her Majesty's Government by every means within our power. Acknowledging, therefore, the receipt of your letter of the 2nd instant, (which we could not sooner do, as it did not reach our office on Saturday till after Mr. Grigg had left it,) we will for the present confine ourselves to saying that we shall give our best and most anxious consideration to your promised communication, with a sincere desire to meet your views, and to afford them every co-operation on our part which may be consistent with our actual duties.

We have, &c.

W. G. Ouseley, Esq. &c. &c. (Signed) GEORGE JACKSON. FREDERICK GRIGG.

Third Enclosure in No. 245.

Mr. Ouseley to Her Majesty's Commissioners.

GENTLEMEN, *British Legation, Rio de Janeiro, July 5th*, 1841.

BEING desirous of furnishing the Minister of Foreign Affairs with an immediate answer on the subject of my letter to you of the 2nd instant, I have to request that you will let me know, at your earliest convenience, whether you agree or decline to become members of the Commission that his Excellency has resolved upon naming.

The object of this Commission, of which your Brazilian colleagues are, as I have already stated to you, to form part, is to examine into certain abuses alleged to be committed at the "Casa de Correcção" in the treatment of the Africans liberated by sentence of the Mixed Court, of which you are members.

I have, &c.

Her Majesty's Commissioners, (Signed) W. G. OUSELEY.
&c. &c. &c.

Fourth Enclosure in No. 245.

(Extract.) *Her Majesty's Commissioners to Mr. Ouseley.*

Rio de Janeiro, 5th July, 1841.

WE have received your letter in reply to ours of this morning.

Being very unwilling to show anything like backwardness on our part in co-operating in whatever may have for its object the furtherance of the views of Her Majesty's Government, we lose no time in signifying to you our readiness to become members of the Commission in question, trusting that if we err in so doing we shall stand excused to Her Majesty's Government in favour of the motive which actuates us.

No. 246.

The Earl of Aberdeen to Her Majesty's Commissioners.

GENTLEMEN, *Foreign Office, September 20*, 1841.

YOUR Despatch of the 30th of June last, reporting the case of the Brazilian vessel "*Castro*," has been referred to the Queen's Advocate, and I have to acquaint you that that officer has reported it to be his opinion, that the Mixed Commission Court was perfectly right in decreeing restitution of the "*Castro*" and her cargo, and in pronouncing that the owners, and other parties interested, should be at liberty to present their claims for indemnity.

The "*Castro*" is admitted to have been detained within 300 or 400 yards of the coast of Brazil, and there can, therefore, be no doubt that the capture was illegal, and that the captor was, consequently, liable to compensate the owners for the losses occasioned by his unauthorised act.

It is certainly to be lamented that the captor persisted in bringing the case before the Court of Mixed Commission for adjudication; but being so brought, and then proceeded against for an alleged breach of the convention, it was necessary for the Court, in compliance with the first regulation annexed to the convention, and in the mode prescribed by the third regulation, to take cognizance of the matter, for the purpose of deciding on the legality of the capture, and on the indemnification due in case of the vessel being restored.

I am, &c.

(Signed) ABERDEEN.

Her Majesty's Commissioners,
&c. &c. &c.

No. 247.

The Earl of Aberdeen to Her Majesty's Commissioners.

GENTLEMEN, *Foreign Office, September 21*, 1841.

Your Despatches of February 8, March 10, and May 17 last, have been referred to Her Majesty's Advocate-General for his opinion upon the acquittal, by

the Brazilian Courts of Justice, of individuals declared by sentence of the Mixed Court to have been guilty of piracy, in consequence of their having been concerned in the Slave Trade.

The Queen's Advocate has reported that he cannot concur in the opinion expressed by you in your Letter to Mr. Ouseley of the 5th of May last, namely, that the Brazilian Courts of Law have no power to acquit persons declared by the Mixed Commission Court to have been guilty of piracy; and further, that he cannot agree with you in thinking that it is the sole province of the Brazilian Courts to affix the degree of punishment due, according to the Brazilian law, to the persons already found guilty of piracy by the sentence of the Mixed Commission. The Queen's Advocate is also of opinion that the view which he takes of this subject is in perfect accordance with the report of Her Majesty's law officers upon this subject, the substance of which was communicated to you in the Duke of Wellington's Despatch of the 11th of February, 1835, alluded to in your above-mentioned Letter to Mr. Ouseley of the 5th of May last.

I am, &c.
(Signed) ABERDEEN.

Her Majesty's Commissioners,
&c. &c. &c.

No. 248.

Her Majesty's Commissioners to Viscount Palmerston.

Rio de Janeiro, July 9, 1841.
(*Received October* 7.)

My Lord,

In pursuance of the 75th clause of an Act passed in the 5th year of the reign of His Majesty George IV., entitled, "An Act to amend and consolidate the Laws relating to the Abolition of the Slave Trade," we have the honour to transmit herewith a return of all vessels adjudicated in the Mixed British and Brazilian Court of Commission, established in this city, from the 31st of December, 1840, to the 30th of June, 1841.

We have, &c.
(Signed) GEORGE JACKSON.
FREDERICK GRIGG.

The Right Hon. Viscount Palmerston, G.C.B.,
&c. &c. &c.

Enclosure in No. 248.

Return of Vessels Adjudicated by the British and Brazilian Court of Mixed Commission, established at Rio de Janeiro, from the 31st of December, 1840, to the 30th of June, 1841.

Name of Vessel.	Tonnage.		Date of Seizure.	Where Captured.		Property Seized.	Seizor.	Date of Sentence.	Decretal part of Sentence.
	Brazilian Admeasurement.	British Admeasurement.		Lat.	Long.				
Asseiceira .	177	141$\frac{3}{5}$	1840 Dec. 31	Off St. Se	bastian.	Brig and 332 Africans.	H. M. brigantine "Fawn," Lieut. Foote commanding.	1841 March 8	Vessel condemned, and the surviving Africans to the number of 323 emancipated.
Nova Aurora	165	132	1841 Feb. 26	13° 7′ 57″ S.	37° 50′ W.	Brig and cargo.	H. M. S. "Rose," Peter Christie, Esq., Commander.	1841 April 15	Restored to her owners, with liberty to claim indemnities.
Castro . . .	99	80	1841 June 1	In the Bay to the nort Cape Frio.	of St. Ann's, hward of	Patacho and cargo.	H. M. B. "Grecian," William Smyth, Esq., Commander.	1841 June 25	Restored to her owners, with liberty to claim indemnities.

No. 249.

The Earl of Aberdeen to Her Majesty's Commissioners.

Foreign Office, October 30, 1841.

Circular transmitting Copies of Papers presented to Parliament.

(See No. 46.)

No. 250.

Her Majesty's Commissioners to Viscount Palmerston.

Rio de Janeiro, September 15, 1841.

MY LORD, (*Received December* 6.)

WE have delayed somewhat the acknowledgment of your Lordship's Despatch of the 24th of May, 1841, transmitting, for our information and guidance, a Copy of a Letter which, by your Lordship's directions, was addressed to the Secretary of the Admiralty, respecting the detention and search of vessels bearing the flag of the United States of America, and suspected of Slave Trade, because we had great hopes of being able to lay before your Lordship decisive proof that such suspicions were not unfounded in the cases of, at least, two vessels bearing that flag, recently arrived in this port from the coast of Africa. But, though there can be little moral doubt of the two vessels in question, the "*Solon*" and the "*William Jones*," having each brought a cargo of slaves from Angola and Benguela, yet it has not been in our power to obtain such positive proof of the same as to warrant our stating it as an undeniable fact. There is, however, one circumstance attending the case of the "*William Jones*" which may deserve your Lordship's attention—it is that, on her voyage from the coast, she remained at anchor several days at St. Helena, where she is said to have been repeatedly visited by the American Consul. This her Captain adduced as a proof that he could have had no cargo of slaves on board, but, without knowing anything of the character of the individual filling that office, we must confess that we were rather inclined, from the manner in which the Captain spoke of the circumstance, to read it differently.

We have, &c.

(Signed) GEORGE JACKSON.
FREDERICK GRIGG.

The Right Hon. Viscount Palmerston, G.C.B.,
&c. &c. &c.

No. 251.

Her Majesty's Commissioners to Viscount Palmerston.

Rio de Janeiro, September 15, 1841.

MY LORD, (*Received December* 6.)

We have had the honour of receiving your Lordship's Despatch of the 8th of June, 1841, respecting the suggestion of sending Boisson, the master of the slave vessel "*Asseiceira,*" for trial before a French tribunal. This suggestion, so far as we had any share in it, proceeded on the assumption that he was a French, and not a Brazilian subject; that, consequently, his conviction here was scarcely to be expected; and that his removal from this country, which he had long made his home, would, of itself, be a heavier punishment, and one more likely to deter others from similar courses, than any penalty which a Brazilian tribunal would have been likely to inflict.

We have, &c.

(Signed) GEORGE JACKSON.
FREDERICK GRIGG.

The Right Hon. Viscount Palmerston, G.C.B.,
&c. &c. &c.

No. 252.

Her Majesty's Commissioners to Viscount Palmerston.

Rio de Janeiro, September 16, 1841.

MY LORD, (*Received December* 6.)

WE had the honour to enclose in our Despatch of the 17th of May, 1841, the Copy of a Letter addressed by us to Her Majesty's Mission, detailing the proceedings had, by the Brazilian authorities, in the case of the "*Asseiceira*," subsequently to the sentence of this Court. We are not aware whether any, or what steps were taken by Mr. Ouseley on the receipt of that Letter, but a publication having appeared in one of the daily papers in this city, containing a correspondence between the Minister of Justice and the Public Prosecutor on this subject, in which the latter replies to and criticises the observations contained in our Letter, we think it right to forward to your Lordship translations of these several documents, the more so, as your Lordship will perceive that the instructions of the Minister of Justice strike at the root of the Convention of the 23rd of November, 1826, and order the Public Prosecutor, in cases similar to that of the "*Asseiceira*," to govern himself by the criminal laws of the empire, and not by the first article of that Convention.

We have already called the attention of Her Majesty's Minister at this Court to this matter.

We have, &c.
(Signed) GEORGE JACKSON.
FREDERICK GRIGG.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

Enclosure in No. 252.

Extract from "The Diario do Rio de Janeiro."

(Translation.)

WE publish, this day, the despatch of the public prosecutor, requesting explanation froms the Government in regard to the crime for which Brazilian subjects should be accused, who are declared by the Mixed Brazilian and English Commission to be comprehended in the First Article of the Convention of the 23rd of November, 1826; as also the answer of the Government, declaring that, in such cases, he should be regulated by the criminal laws of the empire, in which is not to be comprehended the said First Article of the Treaty of the 23rd of November. In our opinion the Government acted very correctly in not agreeing to consider Brazilian subjects as pirates, merely because the party who made such Treaty should so think proper.

We further publish the defence of the public prosecutor, with respect to the unjust censures advanced by the English Commissioners against his conduct in the indictment of the individuals implicated in the captured brig "*Asseiceira.*"

Rio de Janeiro, 26th May, 1841.

MOST ILLUSTRIOUS AND EXCELLENT SIR,

IT being necessary to specify in the denunciations and indictments offered on behalf of justice the article of the law charged to have been violated, and also to show, in support of the same indictment, the Article and the degree of punishment which, according to the circumstances, the public prosecutor may deem the accused to have incurred, as is expressly laid down in the criminal code, I had the honour to consult the Imperial Government in my Despatch of the 29th of October, 1839, as to whether Brazilian subjects, declared by the Mixed Commission to be comprehended in the First Article of the Convention of the 23rd of November, 1826, should be deemed to be importers of Africans, in order to their being punished according to the law of the 7th of November, 1831; or whether they should be considered as pirates, and therefore subject to the penalties of piracy; and, in this case, which were the articles against piracy, specified in the criminal code, which should be considered as violated. As I have yet obtained no solution, and as new cases of charges of this nature may occur, I beg of your Excellency to be pleased to instruct me in respect to the doubts which I have again the honour to submit, in order that I may be enabled to proceed correctly.

God preserve your Excellency.

(Signed) FRANCISCO JOZE PEREIRA BAPTISTA,
Public Prosecutor.

To the most Excellent Senhor Paulino Jozé Soares de Souza,
Minister and Secretary of State for the Affairs of Justice.

Palace, 6th August, 1841.

HIS Majesty the Emperor, before whom I have laid the Despatches which you addressed to this department of state, in date of the 29th of October, 1839, and of the 26th of May and the 4th of June of the current year, orders me to notify to you, that, in the case set forth in the said Despatch,

it is proper that you should govern yourself by the criminal laws of the empire, in the number of which cannot be included the First Article of the Treaty of the 23rd of November, 1826; inasmuch as treaties are not the legitimate means for qualifying any act or omission as a crime, more especially when opposed to the definitions expressed in subsequent criminal laws, as are, in the present case, the criminal code and the law of the 7th of November, 1831, which has special reference to the case in question.

God preserve, &c.

(Signed) PAULINO JOZE SOARES DE SOUZA.

To the Public Prosecutor.

MOST ILLUSTRIOUS SIR,— *Rio de Janeiro, 28th July*, 1841.

I HAVE the honour to return to you the enclosed papers which (in pursuance of the orders of Government) you transmitted to me, that I might reply to their contents, which I proceed to do, as to that part which relates to me.

I acted quite regularly when, in my accusation before the Justice of the Peace for the First District of Santa Rita, on the 5th of April last, of the individuals captured with Africans on board the brig "*Asseiceira*," condemned as good prize by the Mixed Commission, I offered the sentence of that Commission as the basis of my denunciation. It is known that the Mixed Commission is not competent to pronounce or impose penalties, and that its action is limited to the deciding respecting the lawfulness of the prize and the emancipation of the Africans. The Despatch of the 5th of September, 1835, decided very positively in this sense, that, it not being of the competency of the Mixed Commission to take cognizance of the crime committed by the importers of Africans into Brazil, its sentences could only serve as the *corpus delicti* on which to found the indictment and consequent prosecution and the trial of the delinquent, in conformity with the laws of each respective country.

I think, also, that I did not err in considering the individuals of the "*Asseiceira*," and all others in similar circumstances, as coming under the law of the 7th of November, 1831. By the afore-cited Despatch of the 5th of September it is my duty to present an authentic copy of the sentence of the Mixed Commission as the *corpus delicti*, and to prosecute the accusation in conformity to the laws of Brazil. The law of the 7th of November, 1831, being the only one which, in our country, designates the penalties which the importers of Africans incur, it is evident that it became me always to pay implicit obedience to the same in my accusation of such crimes.

In the terms of the Law bail was granted to the criminal Boisson, committed by the Justice of the Peace. Agreeably to the 2nd Article of the Law of the 7th of November, 1831, this delinquent was adjudged to come under the 179th Article of the Criminal Code, modified by the 34th Article of the same, inasmuch as he had not consummated the crime. The maximum of the penalty being six years of simple imprisonment, bail could not be denied him, in view of the 100th and 101st Articles of the Code of Procedure. I could not, therefore, offer any opposition to the concession of bail.

The censure passed upon me by the English Commissioners, besides being beyond their competency, is unjust—namely, that I had not appealed from the sentence of the Justice of the Peace as to that part which only committed Boisson, and not all the criminals included in the denunciation. Being at liberty to appeal from the sentences, where appeal is admissible, as was stated in the Despatch of the 5th of November, 1836, I considered that I ought not to avail myself of this license in the case of the brig "*Asseiceira*," inasmuch as it is my opinion that the public prosecutor should only have recourse to this means when the decision is contrary to the evidence resulting from the proofs. Besides this, the proceedings in consequence of the accusation of Boisson being to be submitted to the jury, this tribunal could, if it did not consider the reasons of the Justice of the Peace to be valid, amend his fiat by finding matter of accusation against all the individuals denounced, without even recourse being had to an appeal, as has more than once happened in other trials; and thus it was superfluous (in me) to require the said resource, serving only, as it would, to augment unnecessarily the costs. The fact is, that the process of the brig "*Asseiceira*" being submitted for trial to the First Council of the Jury, in their sitting of the 11th of last month, the said Boisson was acquitted.

God preserve, &c.

(Signed) DR. FRANCISCO JOZE PEREIRA BAPTISTA,
Public Prosecutor.

(A true Translation.)
(Signed) JOZE AGOSTINHO BARBOZA, Jun.,
Interpreter to the Commission.

To the Illustrious Dr. Juiz de Direito,
Chief of Police.

No. 253.

Her Majesty's Commissioners to Viscount Palmerston.

Rio de Janeiro, 16th September, 1841.
(*Received December* 6.)

MY LORD,

WE have the honour to inform your Lordship that, as yet, the claimants in the case of the "*Nova Aurora*" have not presented to this Court any account of the indemnities which they claim.

The omission to do so, we understand, proceeds from a disputed point which remains to be settled by this Government, as to certain duties claimed by the Imperial Custom House on the goods sold at auction, in virtue of an understanding between the claimants and the captor's proctor; the buyers of the goods alleging that they bought the same free of all duties, and determining, therefore, to renounce

their purchases rather than pay the duties required from them, in addition to the purchase money.

Such, we have been informed, is the state of the case in question; but nothing official respecting it has been brought before this Court.

We have, &c.

(Signed) GEORGE JACKSON.
FRED. GRIGG.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

No. 254.

Her Majesty's Commissioners to Viscount Palmerston.

Rio de Janeiro, 16th September, 1841.

MY LORD, (*Received December* 6.)

WITH reference to our Despatch of the 7th of July, 1841, respecting a Commission proposed to be instituted for inquiring into abuses with regard to the treatment of liberated Africans, we have the honour to inform your Lordship that, up to the present time, we have heard nothing definitive on the subject.

We have, &c.

(Signed) GEORGE JACKSON.
FRED. GRIGG.

The Right Hon. Viscount Palmerston, G.C.B.,
&c. &c. &c.

No. 255.

Her Majesty's Arbitrator to Viscount Palmerston.

Rio de Janeiro, 15th October, 1841.

MY LORD, (*Received December* 6.)

On the 9th instant I had the honour to receive from Her Majesty's Minister at this residence a Despatch, in date of the 7th instant, announcing that Her Majesty had been pleased to transfer Sir George Jackson from his situation as Commissary Judge at Rio de Janeiro, under the Convention between Great Britain and Brazil on Slave Trade, to the similar appointment at Surinam; under the Treaty between Great Britain and the Netherlands.

Her Majesty's Minister also recommended me, in obedience to your Lordship's instructions, to take the necessary steps for filling the vacancy of Judge *ad interim* at Rio de Janeiro, according to the form prescribed by the Conventions under which the Commissions were established.

It thus became my duty to communicate the Despatch in question to Sir George Jackson in the first instance, which I did; and, on the 11th instant, I transmitted an official translation of the Despatch to the Brazilian Commissary Judge.

In consequence, that Gentleman proposed, at the Board, on the following day, that, in pursuance of the Convention, Her Majesty's Consul at this place should be summoned to fill, *ad interim*, the vacant office of British Commissary Judge, which was agreed to; and Mr. Hesketh having taken the requisite oath of office before the Minister of Justice, has this day taken his seat at the Board.

I have the honour to enclose a Copy of the above-mentioned Despatch from Mr. Hamilton; of my answer, in date of the 9th instant; of a second letter to Mr. Hamilton, dated 12th instant; and of the Minute of Session of that date, in original and translation.

Hoping that my conduct on this occasion may meet your Lordship's approbation,

I have, &c.

(Signed) FRED. GRIGG.

The Right Hon. Viscount Palmerston, G.C.B.,
&c. &c. &c.

First Enclosure in No. 255.

Mr. Hamilton to Her Majesty's Arbitrator.

SIR, *British Legation, October* 7, 1841.

I HASTEN to inform you that I have received a Despatch from Viscount Palmerston, acquainting me that Her Majesty has been pleased to transfer Sir George Jackson from his situation as Commissary Judge at Rio de Janeiro, under the Convention between Great Britain and Brazil on Slave Trade, to the similar appointment at Surinam, under the Treaty between Great Britain and the Netherlands.

And I have likewise, in obedience to his Lordship's instructions, to recommend you to take the necessary steps for filling up the vacancy of Judge, *ad interim*, according to the form prescribed by the Conventions under which the Commissions were established.

I have, &c.

Frederick Grigg, Esq. (Signed) HAMILTON HAMILTON.
&c. &c. &c.

Second Enclosure in No. 255.

Her Majesty's Arbitrator to Mr. Hamilton.

SIR, *Rio de Janeiro, October* 9, 1841.

I HAVE the honour to acknowledge the receipt of your Despatch of the 7th instant, informing me that Her Majesty has been pleased to transfer Sir George Jackson from his situation as Commissary Judge at Rio de Janeiro, under the Convention between Great Britain and Brazil on Slave Trade, to the similar appointment at Surinam, under the Treaty between Great Britain and the Netherlands.

And in pursuance of his Lordship's instructions you, Sir, enjoin me to take the necessary steps for filling up the vacancy of Judge, *ad interim*, according to the form prescribed by the Conventions under which the Commissions were established.

Having communicated your Despatch to Sir George Jackson, it is arranged that on Monday next, the 11th instant, the Brazilian Commissioners will be duly informed of Her Majesty's pleasure on this head, when the requisite steps will be taken, without delay, for the filling up of the vacancy of Judge *ad interim*, according to the form above mentioned, and of the result of which you, Sir, shall be duly informed.

I have, &c.

Hamilton Hamilton, Esq. (Signed) FREDERICK GRIGG.
&c. &c. &c.

Third Enclosure in No. 255.

Her Majesty's Arbitrator to Mr. Hamilton.

SIR, *Rio de Janeiro, October* 12, 1841.

I BEG leave to enclose herewith an official Copy of a Minute of the Proceedings this day of the British and Brazilian Mixed Commission, consequent upon the removal of Her Majesty's Commissary Judge at this place to a similar appointment at Surinam.

I have, &c.

Hamilton Hamilton, Esq. (Signed) FREDERICK GRIGG.
&c. &c. &c.

Fourth Enclosure in No. 255.

Minute.

Session of the 12*th October.*

THE Brazilian Commissary Judge having received yesterday a Despatch from his colleague, the British Commissioner of Arbitration, communicating the appointment of the British Commissary Judge, Sir George Jackson, as Commissary Judge at Surinam, and as announced to the same Commissioner by Her Britannic Majesty's Minister at this residence; he (the Brazilian Commissary Judge) proposed that Her Britannic Majesty's Consul should be summoned, according to the Convention, to supply the vacancy; and it was in consequence agreed that Mr. Robert Hesketh, the Consul of Her Britannic Majesty, should be requested to proceed to the office of the Secretary of State for the Affairs of Justice, to take the requisite oath, and subsequently his seat at the Board at the usual hour.

(A true copy.)
(Signed) BRAZ MARTINS COSTA PASSOS, *Secretary.*
(A true translation.)
(Signed) JOZE' AGOSTINHO BARBOZA, Jun.,
Interpreter to the Commission.

No. 256.

Mr. Hesketh to Viscount Palmerston.

Rio de Janeiro, October 15, 1841.

MY LORD, (*Received December* 6.)

I HAVE the honour to announce that, in compliance with your Lordship's instructions to the British Judge Arbitrator of this Mixed Commission Court, I have, in conformity with the provisions of the Treaty, been this day formally installed in the office, *ad interim*, of Commissary Judge, thus assuming its functions until the arrival of Sir George Jackson's successor.

I have, &c.
(Signed) ROBERT HESKETH.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

No. 257.

The Earl of Aberdeen to Her Majesty's Commissioners.

GENTLEMEN, *Foreign Office, December* 15, 1841.

WITH reference to correspondence, which you will find in the Papers upon Slave Trade laid annually before Parliament, upon the subject of the conduct of M. Pluma, the Tuscan Consul at the Havana, in granting papers to slave vessels, I herewith transmit to you, for your information and guidance, a copy of a Despatch, and of its Enclosures, from Her Majesty's Envoy at Lisbon, stating that the Portuguese Government has declared formally, that Consular documents furnished by M. Pluma to Portuguese vessels shall have no effect or validity as evidence of the nationality of the vessels to which they may be granted.

I have, &c.
(Signed) ABERDEEN.

Her Majesty's Commissioners,
&c. &c. &c.

Enclosure in No. 257.

Lord Howard de Walden to Viscount Palmerston.

November 13, 1841.

(See Class B.)

No. 258.

The Earl of Aberdeen to Her Majesty's Commissioners.

GENTLEMEN, *Foreign Office, December* 31, 1841.

WITH reference to Viscount Palmerston's Despatch to you, No. 11, of the 24th of May last, respecting instructions given for the guidance of Her Majesty's cruizers in dealing with vessels under the United States' flag, and suspected of Slave Trade, I herewith transmit to you, for your information, a copy of a further Instruction issued upon this subject on the 7th instant, by the Lords Commissioners of the Admiralty, to the Admirals commanding Her Majesty's naval forces on the Cape of Good Hope and West India stations, and to the senior officers on the west coast of Africa and the Brazils.

I am, &c.
(Signed) ABERDEEN.

Her Majesty's Commissioners,
&c. &c. &c.

Enclosure in No. 258.

Admiralty Instruction of December 7, 1841.

(See No. 52.)

SURINAM.

No. 259.

Her Majesty's Judge to Viscount Palmerston.

Surinam, October 28, 1840.
(*Received January* 4, 1841.)

My Lord,

I have had the honour to receive your Lordship's Despatch, dated August 24th last, together with a printed Copy of a Memorial from the General Anti-Slavery Convention.

Her Majesty's Commissioners at this station have invariably shown that they participate in the sentiments expressed in your Lordship's Despatch; and I beg to assure your Lordship that I shall henceforth refuse to hire, or retain in my household, any domestic or other person belonging to the unfortunate class of slaves.

This regulation will entail considerable expense upon Her Majesty's Commissioners residing here, as the only suitable servants to be hired in this slave-holding colony are almost without exception persons of the above description; but I feel highly gratified that it is in my power, by sacrificing both my convenience and pecuniary consideration, to obey your Lordship's instructions on the present occasion.

I have, &c.
(Signed) JOHN SAMO.

The Right Hon. Viscount Palmerston, G.C.B.,
&c. &c. &c.

No. 260.

Extract of a Letter from Mr. Schenley, marked separate, dated New York, January 28, 1841.

I regret to inform your Lordship that, since the successful trial at this port of the "propellers," Captain Ericson has been engaged to affix them to nine merchant-vessels, which, from the information I have received, their description, and the houses that guarantee the payment, it is much to be feared are mostly destined to carry on the Slave Trade. On the 5th of next month the first of them, "*The Clarion*," under the mask of being a packet, is to sail for Havana.

If possible I shall transmit to your Lordship an account of her performance and capabilities; but I fear that I may already assert, with too much truth, that slave-vessels so propelled can only by an accident become prizes to Her Majesty's cruisers.

No. 261.

Viscount Palmerston to Her Majesty's Commissioners.

Gentlemen,

Foreign Office, March 12, 1841.

I herewith transmit to you, for your information and guidance, a copy of an instruction which I have this day addressed to Her Majesty's Envoy at the Hague, respecting the negroes emancipated by sentence of the Mixed British and Netherlands Court of Commission at Surinam; and I have to desire that you will

communicate that Despatch to the Governor-General of Surinam, and that you will suggest to him the expediency of making the preliminary arrangements, for carrying into effect the directions which he may receive from his government on this subject.

You will at the same time inquire from his Excellency, and you will inquire also from other persons, the present state of these negroes; and you will transmit to me a report containing a particular account of the information you may be able to collect. And when these negroes are brought before you for examination you will ask each of them separately whether he or she would like to go to a British colony, explaining to them that, slavery having been entirely abolished by law in British colonies, they would be sure therein to retain their liberty; and you will provide a passage to a British colony for such of them as may wish to go thither, taking care to secure for them due attention in their passage, and recommending them to the special care of the Governor of the British colony to which they are to go. You will draw on the Lords of Her Majesty's Treasury, at sixty days' sight, for the expense which you may incur on this account, giving to their Lordships and to me due notice of such bill, and sending to me an account of your expenditure, with vouchers.

I have, &c.
(Signed) PALMERSTON.

Her Majesty's Commissioners,
&c. &c. &c.

Enclosure in No. 261.

Viscount Palmerston to Sir E. C. Disbrowe.

Foreign Office, March 12, 1841.

(See Class B.)

No. 262.

Viscount Palmerston to Her Majesty's Commissioners.

GENTLEMEN, *Foreign Office, April* 10, 1841.

I HEREWITH transmit to you an instrument, bearing date the 16th of July, 1838, by which Her Majesty has been pleased to appoint Edward Wyndham Harrington Schenley, Esquire, to be Her Majesty's Commissioner of Arbitration in the Mixed British and Netherlands Court of Commission, established at Surinam under the Treaty and additional Article concluded with the Netherlands for the suppression of Slave Trade, and pursuant to the several Acts of Parliament for carrying that Treaty and additional Article into effect. I have to desire that, at an early opportunity after Mr. Schenley's arrival, and before he enters upon his duties in the character assigned to him in Her Majesty's commission of appointment, he will take in due form the oath prescribed to him by the enclosed instrument, and by the Act of Parliament under which he is appointed.

You will announce this appointment to the foreign members of the Mixed Court, destined to act with you under the Treaty and additional Article above mentioned.

You will follow strictly the line pointed out in the instructions which have heretofore been given by Her Majesty's Secretary of State to Her Majesty's Commissioners at Surinam.

Further instructions will be transmitted to you, according as it shall appear that such instructions shall be necessary for your guidance.

I am, &c.
(Signed) PALMERSTON.

Her Majesty's Commissioners,
&c. &c. &c.

No. 263.

Viscount Palmerston to Her Majesty's Commissioners.

Foreign Office, April 15, 1841.

Circular transmitting Treaty with the Argentine Confederation for the Suppression of Slave Trade.

(See No. 11.)

No. 264.

Viscount Palmerston to Her Majesty's Commissioners.

Foreign Office, April 22, 1841.

Circular transmitting Treaty concluded with Hayti for the Abolition of the Slave Trade.

(See No. 12.)

No. 265.

Viscount Palmerston to Her Majesty's Commissioners.

GENTLEMEN, *Foreign Office, May* 24, 1841.

I HEREWITH transmit to you, for your information and guidance, a copy of a letter which, by my directions, has been addressed to the Secretary to the Admiralty, respecting the search and detention of vessels bearing the flag of the United States, and suspected of Slave Trade.

I am, &c.

(Signed) PALMERSTON.

Her Majesty's Commissioners,
&c. &c. &c.

Enclosure in No. 265.

Lord Leveson to the Secretary to the Admiralty.

Foreign Office, May 18, 1841.

(See No. 25.)

No. 266.

Viscount Palmerston to Her Majesty's Commissioners.

GENTLEMEN, *Foreign Office, June* 10, 1841.

WITH reference to my Despatch of the 12th of March last, respecting the present state of the negroes emancipated by sentence of the Mixed Court of Commission at Surinam, I herewith transmit to you, for your information, copies of two Despatches from Her Majesty's Envoy at the Hague upon that subject.

I am, &c.

(Signed) PALMERSTON.

Her Majesty's Commissioners,
&c. &c. &c.

Enclosures in No. 266.

1. *Sir E. C. Disbrowe to Viscount Palmerston, May* 4, 1841.
2. *Ditto* *Ditto* *May* 28, 1841.

(See Class B.)

No. 267.

Viscount Palmerston to Sir G. Jackson.

SIR, *Foreign Office, August* 4, 1841.

HER MAJESTY has judged it proper, for the benefit of Her Majesty's service, to transfer you from your situation as Her Majesty's Commissary Judge in the Mixed Commission established at Rio de Janeiro under the Convention between Great Britain and Brazil for the abolition of the African Slave Trade of Brazil, to the similar appointment at Surinam in the Mixed British and Netherlands Court of Justice, established under the Treaty between Great Britain and the Netherlands.

Your functions as Her Majesty's Judge at Rio de Janeiro will therefore cease on the receipt of this Despatch, and you will proceed at once, and without delay, to your new post at Surinam.

Mr. Samo, at present Her Majesty's Judge at Surinam, will succeed you as Commissary Judge at Rio de Janeiro.

Your commission by Her Majesty's Judge at Surinam will be forwarded to that place, to the care of Mr. Schenley, at present British Arbitrator there; and, on your arrival at Surinam, you will wait upon that gentleman, who will deliver to you your commission, and will introduce you to the Netherlands functionaries with whom you have to act.

After showing to those functionaries your commission, and taking in proper form the customary oath, you will proceed to enter upon your duties as Judge.

You will strictly follow the line of conduct pointed out in the instructions which have heretofore been given by Her Majesty's Secretary of State to Her Majesty's Commissioners at Surinam; and you will attend to such further instructions as may from time to time be transmitted to you from the Secretary of State.

I am, &c.

(Signed) PALMERSTON.

Sir George Jackson,
&c. &c. &c.

No. 268.

Viscount Palmerston to Mr. Schenley.

SIR, *Foreign Office, August* 16, 1841.

I TRANSMIT to you herewith, under flying seal, a Packet addressed to Sir George Jackson, and containing Her Majesty's Commission, appointing that Gentleman to be Judge on the part of Great Britain in the Mixed British and Netherlands Court of Justice, established at Surinam under the Treaty of the 4th May, 1818, between Great Britain and the Netherlands, for the suppression of the Slave Trade.

I have to desire that, when Sir George Jackson arrives in Surinam, you will deliver to him this Packet; that you will admit him to take the necessary oaths of office, in order to qualify him to enter upon the duties of his office; and that you will introduce him to the Netherlands functionaries, with whom he will have to act in the office to which he is appointed at Surinam.

I am, &c.

(Signed) PALMERSTON.

Her Majesty's Arbitrator,
&c. &c. &c.

No. 269.

Viscount Palmerston to Her Majesty's Commissioners.

GENTLEMEN, *Foreign Office, August* 18, 1841.

IT having been intimated to Her Majesty's Government that a number of

Barbadoes negroes are now held in slavery in the Colony of Surinam, I have to desire that you will collect and transmit to me all the information you can obtain regarding any British subjects who may be held in slavery there, in order that application for their release may be made to the Netherlands Government.

I am, &c.

(Signed) PALMERSTON.

Her Majesty's Commissioners,
&c. &c. &c.

No. 270.

Viscount Palmerston to Her Majesty's Commissioners.

Foreign Office, September 3, 1841.

Circular announcing the appointment of the Earl of Aberdeen as Principal Secretary of State for Foreign Affairs.

(See No. 36.)

No. 271.

Her Majesty's Commissioners to Viscount Palmerston.

Surinam, July 12, 1841.
(*Received September* 13.)

My Lord,

We are honoured with your Lordship's Despatch of April 10th last, together with the instrument of the appointment of Mr. Schenley as Her Majesty's Commissioner of Arbitration at this station.

That gentleman has this day taken the prescribed oath in due form, before the principal magistrate of the colony.

We have followed strictly your Lordship's instructions, in all respects, in relation to the above appointment.

We have, &c.

(Signed) JOHN SAMO.
EDWARD W. H. SCHENLEY.

The Right Hon. Viscount Palmerston, G.C.B.,
&c. &c. &c.

Enclosure in No. 271.

Record of the Oath administered unto Mr. Edward Wyndham Harrington Schenley, as Arbitrator on the part of Her Britannic Majesty in the Mixed Court of Justice for the Suppression of the Slave Trade, established in the Colony of Surinam.

On this the 12th day of July, in the year 1841, were introduced to the audience of his Excellency Rear-Admiral J. C. Ryk, Governor-General of the Netherland West India Possessions, assisted by the Government Secretary:—

Firstly, John Samo, Esquire, Her Britannic Majesty's Commissary Judge in the Mixed Court of Justice for the suppression of the Slave Trade established in this Colony.

Secondly, Edward Wyndham Harrington Schenley, Esquire, appointed as the Commissioner of Arbitration for Her Britannic Majesty in the said Court.

Mr. Samo, introducing Mr. Schenley as the Arbitrator appointed by the British realm in lieu of Mr. C. J. Dalrymple, removed to another station, presented to his Excellency the Commission of the said gentleman, under the signature and Grand Seal of Her Majesty Victoria, Queen of Great Britain and Ireland, given at the Palace of Buckingham in the 16th day of July, 1838, and signed by the Minister of Foreign Affairs, Viscount Palmerston.

His Excellency, examining minutely the said document, declared to acknowledge Mr. Schenley as the Arbitrator appointed by the British realm in the Court of Justice aforesaid, and willing to administer the oath to that gentleman in pursuance of the Treaty concluded by the two Powers at the Hague on the 4th day of May, 1818.

At the request of his Excellency the oath is read by the Government Secretary, and verbally repeated by Mr. Schenley, who deposits the oath in the hands of his Excellency, saying solemnly, "So help me God Almighty."

In testimony whereof this record was made up in the English and Dutch languages at the Govern-

ment House, in the Colony of Surinam, and signed by his Excellency, the Government Secretary, and the two British officers aforesaid.

(Signed) J. C. RYK.
G. S. DE VEER.
JOHN SAMO.
EDWARD W. H. SCHENLEY.

A true copy of the original deposited at the Government Secretary's Office.
(Signed) G. S. DE VEER, *Government Secretary.*

No. 272.

Her Majesty's Commissioners to Viscount Palmerston.

Surinam, July 31, 1841.
(*Received September* 27.)

MY LORD,

ON the 14th instant we were honoured with your Lordship's Despatch of March 12th last.

We beg to transmit a copy of the Note addressed to the Governor-General, in pursuance of your Lordship's instructions, and of his Excellency's answer; which answer appearing to us altogether unsatisfactory, we again addressed to him the Note enclosed.

The Governor-General has not yet replied, owing, as we are led to believe, to the inquiries which he has caused to be set on foot relating to the blacks in question not being completed, or their certificates of freedom hitherto collected together.

We have therefore thought it our duty to transmit the present correspondence; and we shall have the honour from time to time to forward to your Lordship an account of its progress.

In the mean while we beg to assure your Lordship, that we will make every exertion in our power to follow strictly your Lordship's instructions in regard to these Africans.

We have, &c.
(Signed) JOHN SAMO.
EDWARD W. H. SCHENLEY.

The Right Hon. Viscount Palmerston, G.C.B.,
&c. &c. &c.

First Enclosure in No. 272.

Her Majesty's Commissioners to the Governor-General.

Surinam, July 15, 1841.

THE Undersigned, &c., by the desire of Her Majesty's Government, have the honour to transmit to his Excellency the Governor-General, &c., a copy of an Instruction which has been addressed to Her Majesty's Envoy at the Hague, respecting the negroes emancipated by sentence of the Netherlands and British Court of Justice in this colony.

The Undersigned are also instructed to inquire from his Excellency the Governor-General the present state of those negroes; and likewise to suggest to his Excellency, most respectfully, the expediency of making preliminary arrangements for carrying into effect the desires of His Netherlands Majesty's Government on this subject—a subject which his Excellency will see has already caused much correspondence between the two Governments.

The Undersigned, &c.
(Signed) JOHN SAMO.
EDWARD W. H. SCHENLEY.

His Excellency Rear-Admiral Ryk, Governor-General,
&c. &c. &c.

Second Enclosure in No. 272.

The Governor-General to Her Majesty's Commissioners.

GENTLEMEN,

Paramaribo, July 15, 1841.

I HAVE had the honour to receive your Despatch of this day's date, transmitting to me a copy of the Instructions addressed to Her Britannic Majesty's Envoy at the Hague, respecting the negroes emancipated by the Mixed Court of Justice in this colony.

In reply to this communication, I take the liberty of informing you that, in consequence of this identical correspondence, I have received instructions from my Government regarding those people, which shall be strictly attended to.

Regarding the present condition of those negroes, I must state that they are known as free labourers in service of Government: some as boatmen, others as tradesmen, and a few as domestics, whilst several have been enlisted among our black troops, or chasseurs.

Accept my thanks for the kind offer of your co-operation in the arrangements to be made for carrying into effect the desires of His Netherland Majesty's Government in this subject, of which offer I will avail myself in case of necessity, and believe me with sentiments of regard,

Gentlemen,

Your most obedient humble servant,

(Signed) J. C. RYK,

Governor-General of H. N. M. West India Possessions.

Messieurs John Samo and E. W. H. Schenley, Her Britannic Majesty's Commissary Judge and Arbitrator in the Mixed Court of Justice for the Suppression of the Slave Trade.

Third Enclosure in No. 272.

Her Majesty's Commissioners to the Governor-General.

Surinam, July 19, 1841.

THE Undersigned, &c., have been honoured, on the 17th instant, with your Excellency's reply to their note of the 15th instant.

The humane and philanthropic principles entertained by your Excellency regarding the liberated African colonists are well known to the Undersigned; and it is with the greatest satisfaction that they have received the assurance of your Excellency to concur in the same end with Her Majesty's Commissioners, "in case of necessity."

The information contained in the above note of your Excellency, relating to these free blacks, was communicated, in detail, to Her Majesty's Government, in a note of October 24, 1832, from the Baron Verstolk de Soelen to the British Minister at the Hague.

The statement made at that time does not appear to have afforded the elucidation sought for by the British Government; and the mere repetition of the same at this date, being nearly nine years subsequent, is not likely to prove satisfactory at this period.

It is well known to the Undersigned that the condition of the negroes remains unchanged in every respect, as that described by Baron de Verstolk in his Note to the British Minister of May 4, 1831, the perusal of which Note at that time caused Her Majesty's Government "unfeigned regret."

These occurrences having taken place long before your Excellency assumed this government may possibly have escaped your notice; and the Undersigned deem this a fitting opportunity to mention they have good reason to believe that children, born of the female portion of these blacks, are to be met with in this colony, who are still looked upon as not being free.

The Undersigned sincerely trust that the instructions of His Netherlands Majesty's Government upon this subject will permit your Excellency to comply with the request of Her Majesty's Government, that the negroes alluded to "may be brought before the Mixed Commission, in order that the Court may ascertain, by personal examination," whether they are in that state of entire freedom to which they are entitled by the Treaty.

The treatment of these blacks has been a continued source of uneasiness to the British Commissioners at this station.

It appears that the Commissioners in December, 1832, had given an account of the certificates of emancipation which had been delivered to the slaves adjudicated by the Mixed Court of Justice, having been taken away from them during the authority of Governor-General Cantzlaar.

These documents are doubtless deposited in the archives of the Government, and the Undersigned solicit that your Excellency will be pleased to give orders to have them exhibited for their inspection.

The Undersigned, &c.

(Signed) JOHN SAMO.
EDWARD W. H. SCHENLEY.

His Excellency Rear-Admiral Ryk, Governor-General, &c. &c. &c.

No. 273.

Her Majesty's Commissioners to Viscount Palmerston.

Surinam, August 2, 1841.
(*Received September* 27.)

MY LORD,

WE have lately been favoured with the perusal of an English newspaper, published in the neighbouring colony of British Guiana, giving an account of the safe arrival there of eight fugitive slaves, and containing some remarks upon the subject.

The description of their passage having occupied "fourteen nights" must be erroneous, as it seems they only quitted the estates on the night of July 10.

The appearance of this article has caused the greatest excitement and consternation amongst the class of colonists who are owners of or interested in slave property. And having heard that some communication upon the subject will be made to Her

Majesty's Government, we think it advisable to transmit to your Lordship a copy of the article, extracted from the journal alluded to.

We apprehend that the severest measure of punishment may hereafter be dealt out to any of these unfortunate creatures overtaken in the act of escaping, in order to deter others from following the example.

In two cases which recently occurred, where three of these unhappy beings, belonging to the plantations Domburg and Petersburg, were caught and brought back, together with two others of the plantation Waterloo, the sentence of the court adjudged them to be scourged with rods composed of tamarind twigs, and to work in chains upon the estates from whence they had made off.

We have, &c.

(Signed) JOHN SAMO.
EDWARD W. H. SCHENLEY.

The Right Hon. Viscount Palmerston, G.C.B.,
&c. &c. &c.

My Lord, *August* 3.

Intelligence has been this day received that, in the district of the Upper Nickerie, situated about seventy miles to the westward of the entrance of this river, two parties of slaves attempted to escape; one consisted of forty, and the other of eighteen persons. The latter have been captured in the act, and the former were prevented by the discovery of their plot.

It is asserted that all these people have openly declared they will renew their efforts until successful.

J. S.
E. W. H. S.

Enclosure in No. 273.

Extract from the Guiana Times, July 16, 1841.

"Novel Species of Immigration.—At an early hour on Monday morning, eight persons, apparently in the last stage of exhaustion from fasting and fatigue, landed at one of our wharves from a boat of a remarkable construction, and surrendered quietly to the police.

"They turned out to be of Surinam, in which colony they had been working as slaves, when, inspired by the genius of liberty, they contrived to make their escape.

"They had hidden themselves during the day, and rowed all night for fourteen nights together; and the scantiness of their provisions for the voyage was proportionate to the haste with which they must have undertaken it. Their boat the custom folks have of course seized. We believe it is intended to let the people themselves go where they please.

"We have heard one or two gentlemen (evidently prejudiced in favour of our Dutch neighbour) say, that the abstraction of the boat being a theft, constitutes a good claim for a surrender of the runaways to the Surinam authorities; others say, with a sort of fellow-feeling for slave-dealers, that it would be 'a pity not to give the poor people back their slaves.' With such sentiments we confess we have little sympathy.

"By the English law now in force in the English colonies, to hold a man in slavery is to commit a crime. It cannot then be a crime for a man to resist the imposition of a yoke of slavery, or to attempt to escape from its restraint.

"One nation will not surrender to another the person of a man charged with an offence not recognised as such in the laws of all nations.

"The United States, the other day, refused to deliver up Lyon Mackenzie, even although the ingenuity of the British authorities contrived to charge him with the robbery of the public mails.

"Had those eight runaway slaves killed their master when he attempted to detain them, we will not say that their act would have been praiseworthy, but we contend that the Government must have reflected a little before it could have surrendered them as fellows guilty of murder.

"It is agreed that the mere act of escaping from slavery is not such an offence as justifies a surrender under international law. But slaves cannot escape without instruments of flight: the appropriation of the horse or boat, or victuals for the journey, is therefore, in the first place, purged of its immorality by the goodness of the cause in which it takes place; and next justified by the consideration of the toil which the master has all along stolen from the slave.

"The old notion of our former negro slaves, that what they had surreptitiously from their owner they did not *steal* but *take*, had its foundation pretty deeply laid in the practical philosophy of human life. Our eight immigrants would very probably be fain to let Mr. Colin Campbell, whose Highland name is chalked on the boat, have his property back again whenever he chooses to send for it.

"To wink at the escape of their persons, and yet make a fuss about their theft of a vehicle, would be preposterous.

"We trust then that unless some heinous offence, denounced in the universal code of Christendom, be formally imputed to the eight, all the vapouring likely to be put forth by the Surinam Government will be disregarded, and the poor people will be admitted to take rank, without challenge, among the free inhabitants of the colony.

"Dr. Johnson, at an entertainment at Oxford, drank 'to the next slave insurrection in the West

Indies.' One needs not, in this age, be quite so bloody-minded as the obdurate old moralist, but we would toast, 'The speedy depopulation of all slave countries by emigration to British Guiana.'

"Liberty is a glorious prize, worth periling life and limb for. If all slaves came to know their own strength, this would become one of the finest countries on the face of the globe. We trust that they *may* soon know it, and that the multitude of the human race will spurn at the chains held on them by the few.

"And feeble and flickering as the flame of freedom is, and liable to be extinguished by every passing breath of wind, we do not despair of seeing it yet strengthened and expanded, until it consume the system of slavery wherever prevalent.

"We believe when this number of the Guiana Times reaches Paramaribo, the paper will be burned at the common market-place, and the editor gibbeted in effigy. That is all very well, gentlemen of the cart-whip; but the chances are that more of your people will flee from misery to happiness than you are now reckoning on, and we sincerely wish them a safe deliverance and a pleasant passage hither."

No. 274.

Her Majesty's Commissioners to Viscount Palmerston.

Surinam, August 24, 1841.
(*Received October* 18.)

My Lord,

We have the honour to announce to your Lordship that Mr. P. Fiers Smeding, His Netherland Majesty's Commissioner of Arbitration, has obtained permission to absent himself from his post for twelve months. The vacancy has been supplied, *ad interim*, pursuant to the explanatory Article 2 of those signed at Brussels, December 31, 1822. Mr. Philip de Kanter, His Netherland Majesty's Procureur-General, having previously taken the oath prescribed by the Treaty, has this day assumed the office of the Netherlands Commissioner of Arbitration.

We have, &c.
(Signed) JOHN SAMO.
EDWARD W. H. SCHENLEY.

The Right Hon. Viscount Palmerston, G.C.B., &c. &c. &c.

No. 275.

Her Majesty's Commissioners to Viscount Palmerston.

Surinam, August 27, 1841.
(*Received October* 18.)

My Lord,

In reference to the contents of our Despatch to your Lordship of July 19, 1841, we have the honour to transmit copies of a Note of the 16th instant, which we addressed to the Governor-General upon the same subject, and of his Excellency's reply, declining to acquiesce in the demand to have our emancipated negroes brought before the Mixed Court for examination.

Your Lordship will see that one of the grounds for resisting that demand is founded upon the opinion of the British Crown Law Officer in 1830; and, as a further reason for such refusal, his Excellency alludes to the present excitement amongst the slave population, of which our Despatch to your Lordship of the 2nd instant makes mention.

Her Majesty's Commissioners, at a recent interview with Admiral Ryk, were verbally assured by him that the woman alluded to in our above-mentioned Note of August 16 was not one of the negroes of the "*Snow*;" that she belonged to some seizure made by the colonial authorities, and condemned as forfeiture by the tribunals of the colony for a breach of the laws for the abolition of the Slave Trade.

At the same interview his Excellency exhibited about twenty-six original certificates of emancipation, bearing the signature of the Netherlands and British Commissary Judges at that date, and were intended to be those of the negroes belonging to the "*Snow*," but which certificates had always remained deposited in the Colonial Government Department.

The perfect state of those paper documents bear unquestionable evidence that they were never in the hands of the negroes themselves; and we take the present occasion to transmit to your Lordship one of these forms, in blank, which are

merely filled up with the name (given at the time) of the party for whom it is intended, but it contains no description of the person, or affords any other means of identifying the individual.

This omission is to be greatly regretted; for should we succeed in having these people produced to us, their identity will be very difficult to establish.

My Lord, Her Majesty's Commissioners do not possess the means of visiting the different stations where the emancipated persons are employed, and are to be seen at work, otherwise they would have opportunities of acquiring definite knowledge of their exact condition; for the most part of those stations can only be reached by water-communication, and we have not the power of obtaining a suitable boat and crew for such purposes.

We have, &c.

(Signed) JOHN SAMO.
EDWARD W. H. SCHENLEY.

The Right Hon. Viscount Palmerston, G.C.B.,
&c. &c. &c.

First Enclosure in No. 275.

Surinam, August 16, 1841.

THE Undersigned, &c., take the liberty of referring to the contents of their communication of the 19th ultimo, which they had the honour to address to your Excellency on that date.

The Undersigned are satisfied that the collecting together the entire number of free blacks must occupy some reasonable period, but as many of those persons or their children are in the immediate neighbourhood, the Undersigned respectfully request that your Excellency will be pleased to direct such of them to be produced before the Mixed Court as soon as convenient.

The Undersigned have lately acquired the particulars of the fate of one of the female negroes who was emancipated in 1824 by sentence of the Mixed Court, whose fate seems to justify the impression entertained by Her Majesty's Government that these people are not in that condition of perfect freedom which the Dutch Government guaranteed by the Sixth Article of the Regulations for the Mixed Court residing in this colony under the Treaty of May 4, 1818.

It appears that the female alluded to cohabited with a Dutch officer of rank, (who is since dead,) and the birth of two girls is the result of that intercourse.

It is stated that these children were placed by their putative father in the care of their present mistress, with whom they are still residing, and they are receiving the like rations from the Colonial Government as are issued to the negroes of that class at present engaged on public works or otherwise employed.

Several unsuccessful applications, by their friends, have been made to former governors to place these girls in a state of entire liberty. Their mother is a laundress of unusual ability, and could earn with great ease per day 2*s.* (one guilder and a quarter), and it has been ascertained by the Undersigned that she never has received any wages, nor is she permitted to select her employers. It is likewise known that this person is now residing with and employed in the family of the commandant of the lower district of Nickerie.

The Undersigned earnestly call the attention of your Excellency to the facts of this case, as an additional motive for complying with the wishes of the British Government to have these emancipated people brought for examination before the Mixed Court.

The Undersigned, &c.

(Signed) JOHN SAMO.
EDWARD W. H. SCHENLEY.

His Excellency Rear-Admiral Ryk, Governor-General,
&c. &c. &c.

Second Enclosure in No. 275.

The Governor-General to Her Majesty's Commissioners.

GENTLEMEN, *Paramaribo, August* 20, 1841.

I HAD the honour to answer to your official letter and its enclosure dated July 15th by my despatch of the same date. A severe and protracted indisposition, together with subsequent press of business, have prevented my giving an earlier reply to your two official letters dated 19th ultimo and 16th instant. Permit me, however, to assure you, that in the mean time the important contents of this document have received my most serious attention.

I now beg leave to inform you that I shall very shortly transmit to my Government the results of an investigation which I have caused to be made concerning the number of survivors, the present occupation, treatment, and domicile of the negroes emancipated by sentence of the Mixed Commission established here, and I trust, when communicated through the proper channel to your Government, they may prove satisfactory.

For this reason, as well as considering the present question to be one which is not provided for by the Treaty of the 4th of May, 1818, and which can therefore only be settled by the courts of the

Hague and St. James, I must decline acceding to your request of calling before the Mixed Commission any of these negroes.

I am confirmed in this resolution by finding upon investigation and reference to a former correspondence, when your predecessors in office wished to assume the right of interfering with the internal regulations and laws of this colony, and the measures which the authorities thought fit to adopt towards the free negroes having belonged to the "*Snow*," that it was declared in 1830, by the highest legal authorities of your country, that by the existing treaty the Commissioners are not entitled to require from the chief magistrate any details whatsoever concerning his official acts. The British Government may, by their more recent treaties, have acquired this power for their Commissioners by other nations, as I have seen in the parliamentary papers and subsequent treaties, but I am not aware that any alteration has been made with my Government favourable to your wishes since the abovenamed period, and I cannot upon my own authority attempt to make one, (the) more especially as the measures you propose in the name of your Government would have the effect of creating great agitation and discontent amongst the lower classes, which, in connexion with the incendiary publications that I regret to find are tolerated in the neighbouring colonies of Her Majesty the Queen of England, and imported in this colony, might be subversive of good order, or greatly endanger the lives and properties of those whose protection I am placed here to succour.

I have, &c.

(Signed) J. C. RYK,
Rear-Admiral, Governor-General of the Netherland West India Possessions.

John Samo and E. W. Harrington Schenley, Esqs., Her Britannic Majesty's Commissary Judges in the Mixed Court for the Suppression of the Slave Trade.

Third Enclosure in No. 275.

Certifikaat.

Voor behoord hebbends tot de negers, gevouden aan boord van de topzeils schoener genaamd "*Las Nieves*" of "*Snow*," genomen door de Nederlandsche brik van oorlog "*de Kemphaan*," gekommandeerd door den Luitenant ter Zee van de eerste klasse Johannes Godsen, opgebragt ter Reede van Suriname, en door het Gemengd Geregtshof ter weering van den Slavenhandel, zitting houdende te Paramaribo, by vonnis van den
Prys Verklaard, ten gevolge waarvan bovengemelde negers, volgens het Traktaat tusschen H: H: M: M: den Koning der Nederlanden en den Koning van Groot Brittanje van den 4e. Mei, 1818, zyn geëmancipeerd.

Wy Regters van het Gemengd Geregtshof tot weering van den Slavenhandel, zitting houdende te Paramaribo, verklaren dat gevonden aan boord van bovengemelde topzeils schoener, opgebragt den 9e. April j. l. door welgem: Zyner Nederl: Majest: brik van oorlog "*de Kemphaan*," by sententie van den is geëmancipeerd, en gesteld ter dispositie van het Gouvernement, als een vrye werkman, ingevolge den inhoud van het hierboven vermelde Traktaat van den 4e. Mei, 1818.

En is aan dit Certifikaat afgegeven, om te dienen daar en waar het behoort.

Paramaribo, den 1823.

(Translation.) *Certificate.*

For , one of the negroes found on board of the topsail schooner called "*Las Nieves*" or "*Snow*," captured by the Netherland brig of war "*Kemphaan*," commanded by the Lieutenant at Sea of the First Class, Johannes Godzen, brought into the Roads of Surinam and condemned as prize by sentence of the Mixed Court for the suppression of the Slave Trade, at their sitting held in *Paramaribo* on the ; in consequence of which the said negroes, in conformity with the Treaty entered into between His Majesty the King of the Netherlands and the King of Great Britain, dated the 4th May, 1818, are emancipated.

We, Judges in the Mixed Court for the suppression of the Slave Trade, at our sitting held at *Paramaribo*, declare that , found on board of the above-mentioned topsail schooner detained on the 9th of April last by His Netherland Majesty's brig of war the "*Kemphaan*," is emancipated agreeably to our sentence of the , and placed at the disposal of the Government as a free labourer, pursuant to the above-mentioned Treaty of the 4th May, 1818.

This Certificate is given to , to serve whenever and wherever required.

Paramaribo, the 1823.

No. 276.

Her Majesty's Commissioners to Viscount Palmerston.

Surinam, September 3, 1841.
(*Received October* 19.)

My Lord,

We are honoured with your Lordship's Despatch of June 10, 1841, transmitting copies of the further correspondence with the Netherlands Government respecting the emancipated negroes in this colony.

We now beg to enclose to your Lordship a copy of our Note which was imme-

diately addressed to the Governor-General, and we trust by the vessel which next sails for Europe that we shall be enabled to forward his Excellency's reply

We have, &c.
(Signed) JOHN SAMO.
EDWARD W. H. SCHENLEY.

The Right Hon. Viscount Palmerston, G.C.B.,
&c. &c. &c.

Enclosure in No. 276.

Her Majesty's Commissioners to the Governor-General.

Surinam, September 2, 1841.

THE Undersigned have the honour to transmit copies of two Notes which have been exchanged with the British and Netherlands Governments relating to the negroes emancipated under the Treaty of May 4, 1818.

The Undersigned beg to call the attention of your Excellency to that part of the correspondence which states that no difference of opinion exists between the two Governments as to the power of these people to quit the colony whenever they please to do so; that they are now completely free from every restraint, and can use their liberty as they may think most advantageous to themselves.

The Undersigned are authorised to furnish the means for any number of these free persons who may wish to go to a British colony.

The Undersigned respectfully solicit that your Excellency will be pleased to ascertain how many of those individuals, with their children, are desirous of availing themselves of this offer, in order that the necessary accommodation may be secured for them without delay.

The Undersigned, &c.
(Signed) JOHN SAMO.
EDWARD W. H. SCHENLEY.

His Excellency Rear-Admiral Ryk, Governor-General,
&c. &c. &c.

No. 277.

The Earl of Aberdeen to Her Majesty's Commissioners.

Foreign Office, October 30, 1841.

Circular transmitting Copies of Papers presented to Parliament.

(See No. 46.)

No. 278.

Her Majesty's Commissioners to Viscount Palmerston.

Surinam, September 8, 1841.
(*Received November* 5.)

MY LORD,

BY the arrival from Curaçao of His Netherland Majesty's steam-vessel called the "*Curaçao,*" first class, Lieutenant Bolken commanding, we have heard that very recently 30 negroes took forcible possession of a schooner; and having ill-used and beaten the captain, they have effected their escape from thence with the vessel, and it is understood they landed at Hayti. We deem it our duty to report this occurrence to your Lordship as an additional fact, showing the spirit for attaining liberty which exists throughout the colony amongst the slave population.

We have, &c.
(Signed) JOHN SAMO.
EDWARD W. H. SCHENLEY.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

No. 279.

The Earl of Aberdeen to Her Majesty's Commissioners.

Foreign Office, December 15, 1841.

GENTLEMEN,

I HEREWITH transmit to you for your information a copy of a Despatch

Class C.

CORRESPONDENCE

ON

SLAVE TRADE,

WITH

FOREIGN POWERS

PARTIES TO CONVENTIONS

UNDER WHICH

VESSELS ARE TO BE TRIED BY THE TRIBUNALS OF THE NATION TO WHICH THEY BELONG.

From January 1, to December 31, 1841, inclusive.

Presented to both Houses of Parliament by Command of Her Majesty,
1842.

LONDON:
PRINTED BY WILLIAM CLOWES AND SONS, STAMFORD STREET,
FOR HER MAJESTY'S STATIONERY OFFICE.

1842.

Class C.—1842.

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16.	Viscount Palmerston to Sir H. Wynn	April 22		Convention with Hayti	ib.
17.	Viscount Palmerston to Sir H. Wynn	May 11		Proposed Instruction to Functionaries in Slave-holding Countries	ib.
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19.	Viscount Palmerston to Sir H. Wynn	Aug. 9		Ditto	11
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Class C.—1842.

CORRESPONDENCE

WITH

FOREIGN POWERS.

AUSTRIA.

No. 1.

Viscount Palmerston to Lord Beauvale.

My Lord, *Foreign Office, April* 15, 1841.

I herewith transmit to you, for your information, two copies of a Treaty concluded at Buenos Ayres, on the 24th of May, 1839, between Her Majesty and the Argentine Confederation, for the abolition of the Slave Trade.

The ratifications of this Treaty were exchanged at Buenos Ayres on the 16th of May, 1840.

I am, &c.
(Signed) PALMERSTON.

The Lord Beauvale,
&c. &c. &c.

No. 2.

Viscount Palmerston to Lord Beauvale.

My Lord, *Foreign Office, April* 22, 1841.

I herewith transmit to you, for your information, two copies of a Convention, concluded at Port au Prince on the 23rd of December, 1839, by which the Republic of Hayti has acceded to the Conventions for the suppression of the Slave Trade, concluded between his late Majesty and the King of the French on the 30th of November, 1831, and the 22nd of March, 1833.

The ratifications of this Convention were exchanged at Port au Prince on the 20th of October, 1840.

I am, &c.
(Signed) PALMERSTON.

The Lord Beauvale,
&c. &c. &c.

No. 3.

Viscount Palmerston to Lord Beauvale.

My Lord, *Foreign Office, May* 11, 1841.

It would appear, from information which has reached Her Majesty's Government, that persons appointed by European governments to reside as Ministers, Consuls, or Agents, in slave-holding countries, are sometimes in the habit of hiring and maintaining slaves, and of engaging in undertakings in which slave property is concerned.

As by such practices the functionaries in question give an indirect sanction to slavery, and appear to countenance measures which tend to create a demand for slaves, Her Majesty's Government has addressed to all British functionaries

in slave-holding countries the circular letter of which I enclose a copy ; and, as Her Majesty's Government think it very important that the opinion of the Government should be expressed upon this subject in such a manner as to afford an additional discouragement to the Slave Trade, Her Majesty's Government think that much good would be effected in this respect if the Government would address to its agents, in slave-holding countries, instructions similar to those contained in the enclosed circular ; and I have to instruct you to address to the Austrian Government a note inviting them to do so.

I am, &c.

The Lord Beauvale, (Signed) PALMERSTON.
&c. &c. &c.

Enclosure in No. 3.

Circular of May 8, 1842.

(See Class B, No. 196, p. 433.)

No. 4.

Lord Beauvale to Viscount Palmerston.

Vienna, May 25, 1841.

MY LORD, (*Received June* 4.)

IN obedience to the instructions conveyed to me in your Lordship's Despatch of the 11th instant, I have addressed a note to Prince Metternich, a copy of which I have the honour to enclose, calling upon the Austrian Government to address to its agents, in slave-holding countries, instructions similar to those contained in the circular transmitted to me in your Lordship's Despatch.

I have, &c.

The Right Hon. Viscount Palmerston, G.C.B., (Signed) BEAUVALE.
&c. &c. &c.

Enclosure in No. 4.

Lord Beauvale to Prince Metternich.

Vienna, May 24, 1841.

THE Undersigned, &c., has the honour to enclose herewith to His Highness Prince Metternich, &c., copy of a letter and its enclosure, which Her Majesty's Government has addressed to all British functionaries in slave-holding countries, stating its opinion that it would be unfitting that any officer holding an appointment under the British Crown should either directly or indirectly hold or be interested in slave property.

It would appear, from information which has reached Her Majesty's Government, that persons appointed by European Governments to reside as Ministers, or Consuls, or Agents, in slave-holding countries, are sometimes in the habit of hiring and maintaining slaves, and of engaging in undertakings in which slave property is concerned; and as Her Majesty's Government think it very important that the opinion of the Austrian Government should be expressed upon this subject in such a manner as to afford an additional discouragement to the Slave Trade, and that much good would be effected in this respect if the Austrian Government would address to its agents, in slave-holding countries, instructions similar to those contained in the abovementioned letter, the Undersigned has received instructions to invite the Government of His Imperial Majesty to adopt a similar course.

(Signed) BEAUVALE.

His Highness Prince Metternich,
&c. &c. &c.

No. 5.

Viscount Palmerston to Sir Thomas Sorell.

SIR, *Foreign Office, July* 31, 1841.

I HEREWITH transmit to you a copy of a letter from the Greek Minister at this Court, together with a translation of a law promulgated by the King of Greece on the 13th March, 1841, prohibiting the Trade in Slaves, and assigning penalties for the offences committed in contravention of that law.

I also transmit to you a copy of a Despatch, and of its enclosures, from Her Majesty's Minister in Greece upon the same subject; and I have to desire that, in conformity with the desire expressed by the Greek Government, as stated in these papers, you will give your best assistance towards carrying that law into effect.

I am, &c.

(Signed) PALMERSTON.

P.S.—I also transmit to you herewith two sets of the papers enclosed in this Despatch; and I have to desire that you will forward a set to your Vice-Consuls at Trieste and Fiume, with suitable instructions.

Sir Thomas Sorell,
&c. &c. &c.

First Enclosure in No. 5.

M. Tricoupi to Viscount Palmerston.

June 7 (19), 1841.

(See Class D.)

Second Enclosure in No. 5.

Sir E. Lyons to Viscount Palmerston.

Athens, April 22, 1841.

(See Class D.)

No. 6.

Viscount Palmerston to Baron Koller.

VISCOUNT PALMERSTON presents his compliments to Baron Koller, and has the honour to invite Baron Koller to meet him at the Foreign Office to-morrow, Wednesday, at two o'clock, in order to continue, in concert with the Plenipotentiaries of France, Prussia, and Russia, the negotiation for a Treaty between the Five Great Powers of Europe upon Slave Trade.

Foreign Office, August 24, 1841.

No. 7.

Viscount Palmerston to Baron Koller.

THE Undersigned, &c., has the honour to transmit to Baron Koller, &c., two copies of the Draft of Treaty between the Five Powers for the suppression of the Slave Trade, containing the alterations agreed upon at the Conference held at the Foreign Office on the 20th inst.

The Undersigned, &c.

(Signed) PALMERSTON.

No. 8.

Sir T. Sorell to Mr. Bidwell.

Trieste, August 21, 1841.

SIR, (*Received September* 8.)

I HAVE the honour to acknowledge the receipt of the Despatch of the 31st of July, enclosing documents comprising a translated copy of a law recently promulgated by the King of Greece, assigning punishments to any of his subjects who may be convicted of a violation of that law.

I have transmitted one copy of these enclosures to the Vice-consul at Venice, and another to the Vice-consul at Fiume, accompanied by instructions which will, I trust, ensure a vigilant attention on their part to the object in view.

I have, &c.

John Bidwell, Esq. (Signed) THOMAS S. SORELL.
&c. &c.

No. 9.

The Earl of Aberdeen to Mr. Milbanke.

SIR, *Foreign Office, October* 30, 1841.

I HEREWITH transmit, for your information, one copy of a series of papers relating to the Slave Trade, which have been presented to the two houses of Parliament during the present session by Her Majesty's command.

I am, &c.

J. R. Milbanke, Esq. (Signed) ABERDEEN.
&c. &c.

No. 10.

The Earl of Aberdeen to Baron Koller.

THE Earl of Aberdeen has the honour to transmit herewith to Baron Koller, for his information, a copy of a series of papers relating to the Slave Trade, which were presented to the two houses of Parliament during the last session by Her Majesty's command.

Foreign Office, November 12, 1841.

No. 11.

The Earl of Aberdeen to Sir Robert Gordon.

SIR, *Foreign Office, December* 20, 1841.

I HAVE the honour to acquaint your Excellency, by Her Majesty's command, that I have this day signed, on the part of Her Majesty, with the Plenipotentiaries of Their Majesties the Emperor of Austria, the King of the French, the King of Prussia, and the Emperor of Russia, a Treaty for the Suppression of the African Slave Trade.

I herewith transmit to your Excellency a copy of that treaty.

Immediately upon the receipt of this Dispatch you will solicit an audience of His Majesty the Emperor of Austria, in which you will express to His Majesty the high gratification which Her Majesty feels at uniting with His Majesty and other great Powers of Europe in the cause of mercy and of justice, by a league, the sole object of which is to alleviate the sufferings of humanity.

You will also express to the Austrian Minister the warm satisfaction of Her Majesty's Government, in having been enabled to follow up the great, the liberal, and humane principles recorded in the declarations of the principal Powers of Europe at the Congresses of Vienna and of Verona, by concluding a Treaty for the beneficent end proposed in the compact signed this day.

You will, on the part of Her Maj· sty's Government, urge the Austrian Mi-

nister to have the Austrian ratification of the Treaty prepared and transmitted to London without delay, in order to its being exchanged against the ratification of Her Majesty as soon as possible, within the term prescribed by the Treaty.

I have, &c.
(Signed) ABERDEEN.

His Excellency Sir Robert Gordon,
&c. &c. &c.

No. 12.

The Earl of Aberdeen to Sir Robert Gordon.

(Extract.) *Foreign Office, December* 27, 1841.

It being desirable that a complete collection should be obtained of all the laws and administrative acts, both general and local, which have emanated from the legislatures and sovereign authorities of Foreign States, both previously and subsequently to the contraction of treaty engagements for the purpose of regulating, restraining, or preventing the traffic in Slaves, I have to desire that you will address an official application to the Austrian Government, requesting that an authentic copy may be supplied to you of all the laws and acts of this description, whether of a temporary or permanent character, which may at any time have been issued by that government, or by its municipal and colonial authorities.

I have at the same time to desire that you will use your best endeavours to obtain, through the medium of Her Majesty's Consuls, and through any other channels, authentic copies of any further documents which may appear to be necessary to complete this collection; and that you will forward the whole of these papers to me without delay.

You will accompany the papers with accurate Translations.

[Instructions similar to the above were sent in Circulars to all Her Majesty's Ministers abroad.]

DENMARK.

No. 13.

Viscount Palmerston to Sir H. W. W. Wynn.

SIR, *Foreign Office, January* 18, 1841.

I HEREWITH transmit to you a copy of a communication from the Admiralty, respecting Slave Trade carried on in the Danish territory on the coast of Africa.

The accompanying Papers show that the Governor of Danish Accra is aware that the Slave Trade is carried on at Attocco, one of the dependencies of Accra; and he says that he regrets that he has not the means of suppressing it. They show also that the Danish Government is apprised of these facts.

I have therefore to instruct you to present a note to the Danish Government, stating the particulars related in these Papers, and earnestly requesting, in the name of Her Majesty's Government, that the Danish Government will, by its own means, put down and expel these Slave Traders from its territory; or, if it should have any difficulty in doing this, that it will permit the British Government to do so.

I have, &c.
(Signed) PALMERSTON.

Sir H. W. W. Wynn,
&c. &c. &c.

First Enclosure in No. 13.

Sir John Barrow to Lord Leveson.

MY LORD, *Admiralty, 5th January*, 1841.

I AM commanded by my Lords Commissioners of the Admiralty to send you herewith, for the information of Viscount Palmerston, copies of a letter from Commander Tucker, of the "Wolverine," dated the 29th of September last, and its enclosures, relative to the Slave Trade carried on in the territories of the King of Denmark on the coast of Africa.

I am, &c.
(Signed) JOHN BARROW.

Lord Leveson, Foreign Office.

Second Enclosure in No. 13.

Commander Tucker to Mr. O'Ferrall.

Her Majesty's ship "Wolverene," *at sea, lat.* 6° 21′ *N., long.* 3° 10′ *E.,*
SIR, *29th September*, 1840.

I HAVE the honour to trausmit for the information of the Lords Commissioners of the Admiralty, the following copies of the correspondence between myself and his Excellency the Governor (pro tempore) of Danish Accra and its dependencies, relating to the Slave Trade carried on in the territories of Denmark on this coast, and to request that the same may be taken into consideration towards some application being made to that government to suppress the Slave Trade, known and admitted to be carried on in their possessions in violation of the laws, and I believe the wishes of his Majesty the King of Denmark.

A small number of slaves have been from time to time embarked from Attocco, which was attempted to be suppressed by the late governor a few months since, who it is reported exerted himself to the utmost, but was not so successful as he wished, from want of force and of means for crossing the Volta, and the people of Attocco instigated by the Spaniards, &c., in consequence now defy the power of Denmark to prevent their carrying on the Slave Trade, which has since increased to a very great extent (a large number of slaves being at present collected there) in consequence of the vigilance of the commanders of the cruisers having almost prevented the embarkation of slaves from Whydah, Agnag, and Popo, which has forced the notorious slave dealer De Souza, or Chatchah and others, to have agents and factories at Attocco, as well as at those places, that when the cruiser is watching those places slaves may be shipped at Attocco, *et vice versâ*, and I have not another vessel I can station on this part of the coast; and without some steps be taken by the Powers which have entered into treaties with England for the suppression of the Slave Trade in their territories on the coast to assist the British cruisers on this coast in their arduous duties, either by their destroying by their own means the slave factories, and expelling the slave agents from their territories, or permitting the co-operation of the British cruisers, or if they have no force at command, by permitting the British cruisers, after proper application to the governor (accompanied if necessary by an officer of that government), to destroy the slave factories and expel the slave agents (being foreigners), although the officers in command of the cruisers at present employed are, I may venture to say, second to none in vigilance and zeal—I am much afraid slaves will be embarked to a great extent, and render it necessary for England to continue a large force on this coast.

I have, &c.

(Signed) WILLIAM TUCKER (*b*),
Commander and Senior Officer.

R. M. O'Ferrall, Esq.,
Secretary, Admiralty.

Third Enclosure in No. 13.

Commander Tucker to the Governor of Accra.

Her Britannic Majesty's sloop "Wolverine," *off Attaco, 23rd September*, 1840.

SIR,

I HAVE the honour to request your Excellency will be pleased to inform me if Ataco or Attaco, a place a little to the westward of Cape St. Paul, and having a white house or fort, is in the territory of his Majesty the King of Denmark; and I take this opportunity to inform your Excellency, that should the place belong to Denmark, and be under your command (as it is reported to be), you may take such steps as you may consider your duty to suppress the Slave Trade, said to be now actively carried on there in violation of the laws of your country; that a large number of slaves are reported to be collected there in charge of a Spaniard, and of another person residing there, an agent of the notorious slave dealer De Souza or Chatchah, who embark them in slave vessels which call there occasionally, on finding they are prevented embarking slaves from other places by the British cruisers: one vessel is reported to have called there very lately, and another expected shortly.

I have, &c.

(Signed) WILLIAM TUCKER (*b*),
Commander and Senior Officer.

To His Excellency the Governor of
Danish Accra and its Dependencies.

Fourth Enclosure in No. 13.

The Governor of Accra to Commander Tucker.

Christiansborg Castle, 24th Sept., 1840.

SIR,

I HAVE the honour to acknowledge the receipt of your honourable letter of yesterday, and according to your request to inform you, that the place

(Attocco) mentioned in your letter is situated in His Danish Majesty's territory.

Regarding the Slave Trade, which is reported to you to be carried on at this place, I am sorry to state that it has not been in my power to suppress that unlawful trade, which in the last time has been carried on by some Spaniards there. Soldiers have been ordered to Attocco to drive away the slave-dealers and destroy their houses, and since no long time my predecessor visited with forces the places by Volta, in order to suppress the Slave Trade, and overtook a Spaniard, deprived him of his slaves and goods, and drove him out of the Danish territory, but the slave-dealers have returned when the danger has been over.

The white house you mention has formerly been fortified, but the expenses which the preservation of the fortification and garrison at the place required made it necessary to lay it down. My government in Denmark have received information concerning the said Slave Trade, and I expect that more vigorous steps will be taken than it is in my power to take.

I should be very glad if it may be convenient to you to visit Attocco and examine the vessels which call there.

I have, &c.
(Signed) L. DALL,
Pro tem. Governor of His Danish Majesty's possessions on the Gold Coast of Africa.

To the Most Hon. Commander of Her Britannic Majesty's ship "Wolverine."

No. 14.

Sir H. W. W. Wynn to Viscount Palmerston.

Copenhagen, February 15, 1841.

MY LORD, (*Received February* 27.)

I HAVE the honour to acknowledge the receipt of your Lordship's Despatch of the 18th ultimo, and, in compliance with the directions therein contained, I have addressed a note, of which the enclosed is a copy, to the Danish minister, on the subject of the trade in slaves carried on in the Danish dependencies on the Gold Coast.

I have, &c.
(Signed) H. W. WILLIAMS WYNN.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

Enclosure in No. 14.

Sir H. W. W. Wynn to M. de Krabbe Carisius.

MY LORD, *Copenhagen, February* 8, 1841.

THE undersigned, Her Britannic Majesty's Envoy Extraordinary and Minister Plenipotentiary, has been directed by his Government to communicate to his Excellency, M. de Krabbe Carisius, the enclosed copies of a correspondence which has taken place between the senior officer of Her Majesty's naval force stationed on the coast of Guinea, and the Governor (*pro tempore*) of Danish Accra, relative to the Slave Trade which is carried on in some of the dependencies of that establishment. His Excellency will observe that the governor admits the truth of the facts brought forward by Captain Tucker, but regrets his want of means to prevent them, as the slave-agents have different factories, and, when they are driven from one, resort to another, till the military force is withdrawn.

Her Majesty's Government, knowing that that of Denmark is actuated by the same wish to prevent all trade in slaves, feel confident that they will furnish their authorities with the means of acting more vigorously; or, should this be inconvenient, they earnestly request that the British cruisers may be permitted,

after proper application to the Governor, to destroy these slave-factories, and expel the foreign slave-agents.

The Undersigned, &c. &c.
(Signed) H. W. W. WYNN.

His Excellency M. de Krabbe Carisius,
&c. &c. &c.

No. 15.

Viscount Palmerston to Sir H. Wynn.

Foreign Office, April 15, 1841.

Circular sending Convention with the Argentine Confederation.

(See No. 1.)

No. 16.

Viscount Palmerston to Sir H. Wynn.

Foreign Office, April 22, 1841.

Circular sending Convention with Hayti.

(See No. 2.)

No. 17.

Viscount Palmerston to Sir H. Wynn.

Foreign Office, May 11, 1841.

Circular on proposed Instruction to Danish Agents in Slave-holding Countries.

(See No. 8.)

No. 18.

Sir H. W. W. Wynn to Viscount Palmerston.

Copenhagen, July 15, 1841.

MY LORD, (*Received July* 23.)

IN reference to your Lordship's Despatch of the 11th of May last, on the subject of official agents being in the habit of maintaining slaves in slave-holding countries, I have the honour to enclose a copy of a note which I have received from the Danish minister, in answer to that which, by your Lordship's order, I addressed to him. It appears that, notwithstanding the disposition which the Danish Government has always manifested to co-operate with that of Her Majesty in the abolition of the Slave-Trade, it is not possible for them, in the present instance, to enforce the instructions which your Lordship is anxious should be sent to their commercial agents in slave-holding countries.

In the first place, the Danish Government do not give any salary to their consuls and agents, who hold the situation more *honoris causa* than for the small fees which they occasionally receive; nor could they, with any consistency, send such instructions so long as slavery is legal in the Danish West Indian islands.

I have, &c.
(Signed) H. W. WILLIAMS WYNN.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

Enclosure in No. 18.

M. Krabbe Carisius to Sir H. W. W. Wynn.

MONSIEUR LE CHEVALIER, *Copenhague, ce 9 Juillet*, 1841.

VOUS m'avez fait l'honneur de me prévenir, par votre office du 22 Mai dernier, que le Gouvernement de Sa Majesté Britannique vient d'adresser des instructions à ses Ministres, Consuls, et Agens, dans les pays ou l'esclavage existe, pour les engager à s'abstenir de louer ou d'employer des esclaves, ou de prendre part à des spéculations qui se rapporteraient à la possession d'esclaves; et vous avez en même temps, au nom du dit Gouvernement, manifesté le désir que de pareilles instructions fussent adressées aux agens diplomatiques et consulaires du Danemarc dans l'étranger. Les principes adoptés et suivis depuis de longues années par le Gouvernement du Roi, relativement à la traite des noirs, vous sont suffisamment connus, Monsieur le Chevalier, pour que vous puissiez ne pas douter de ses dispositions à coopérer avec le Gouvernement de Sa Majesté Britannique à tout ce qui pourrait tendre à décourager et à faire supprimer ce commerce. Aussi les sujets du Roi qui résident ou qui iront résider, comme agens diplomatiques ou consulaires du Danemarc, dans des pays où l'esclavage subsiste, ont-ils déjà reçu, et recevront-ils à l'avenir, avec l'invitation de s'y conformer, des copies des instructions que vous avez bien voulu me transmettre, et qui ont été adressées aux agens Britanniques, pour les engager à s'abstenir de tout ce qui pourrait être censé renfermer une sanction directe ou indirecte de la traite des noirs. Mais je dois en même temps vous faire observer que la grande majorité des agens consulaires Danois dans l'étranger ne sont pas des sujets du Roi, nommés à ces postes avec un traitement fixé. Ce sont presque toujours des négocians déjà précédemment établis dans le lieu de leur résidence consulaire, et qui ne sont rétribués que par des revenant-bons prélevés sur les navires Danois faisant le commerce dans leur district. Les rapports du Gouvernement vis-à-vis de cette classe d'agens ne sont pas de genre à lui permettre de leur préscrire, en de hors de leur attributions et fonctions consulaires, des règles de conduite, pour leur défendre ce qui leur serait permis par des lois du pays où ils résident. Ce serait nous exposer à devoir renoncer aux services d'agens utiles à notre commerce et à notre navigation, et c'est par ses considérations que le Gouvernement du Roi, qui d'ailleurs ne se trouve pas à même d'abolir l'esclavage dans ses colonies aux Indes Occidentales, hésite à donner de pareilles instructions à ses agens consulaires de la dite catégorie.

Agréez, Monsieur le Chevalier, l'assurance de ma haute considération.

(Signé) KRABBE CARISIUS.

A Sir Henry W. W. Wynn, Envoyé Extraordinaire et Ministre Plenipotentiaire de S. M. Britannique, &c. &c. &c.

(Translation.)

SIR, *Copenhagen, July* 9, 1841.

YOU did me the honour, by your official letter of the 22nd May last, to acquaint me that the Government of Her Britannic Majesty had addressed instructions to its ministers, consuls, and agents, in those countries where slavery exists, to abstain from hiring or employing slaves, or from engaging in any speculations connected with the possession of slaves; and, at the same time, in the name of your Government you expressed a desire that similar instructions should be addressed to the diplomatic and consular agents of Denmark abroad. The principles adopted and pursued for a number of years past by the Government of His Majesty relative to the Slave Trade are sufficiently known to you, Sir, to prevent you from doubting of its inclination to cooperate with the Government of Her Britannic Majesty in whatever may tend to discourage and suppress this traffic. Moreover, the subjects of the King who reside or may hereafter reside as diplomatic or consular agents of Denmark in countries where slavery exists, have already received and will henceforth receive, with a recommendation to conform to them, copies of the instructions you were pleased to transmit to me, and which have been addressed to British agents, directing them to abstain entirely from whatsoever might be con-

strued into a sanction, direct or indirect, of the Slave Trade. But I must at the same time observe to you that the great majority of Danish consular agents abroad are not subjects of the King, appointed to those posts with fixed salaries. They are nearly all merchants previously established in the place of their consular residence, and who are only remunerated by fees levied upon Danish vessels trading within their district. The relations of the Government towards this class of agents are not of a nature to permit it to prescribe to them, beyond their consular attributes and functions, rules for their conduct, debarring them from what would be permitted them by the laws of the country in which they reside. This would be to expose ourselves to the necessity of renouncing the services of agents useful to our commerce and navigation, and it is under these considerations that the Government of the King, which has not scrupled to abolish slavery in its colonies of the West Indies, hesitates to issue the like instructions to its consular agents of the aforesaid class.

Accept, Sir, the assurance, &c.

(Signed) KRABBE CARISIUS.

No. 19.

Viscount Palmerston to Sir H. W. W. Wynn.

SIR, *Foreign Office, August* 9, 1841.

I HAVE received your Despatch of the 15th instant, enclosing a copy of the answer returned by M. Krabbe Carisius to the communication which, by my directions, you made to that Minister, respecting the employment of slaves by official agents in slave-holding countries. And I have to desire that in reply you will state to the Danish Minister that the Governments of Belgium, Hanover, Holland, Naples, Portugal, and Sardinia, have signified their intention to issue orders in conformity with those given by Her Majesty's Government upon this subject: and Her Majesty's Government hope that the Danish Government, which to its honour was one of the first to declare itself against the Slave Trade, will not be behind-hand on the present occasion in taking a step the object of which is to discountenance that traffic.

I have, &c.

Sir H. W. W. Wynn, &c. &c. &c. (Signed) PALMERSTON.

No. 20.

Sir H. W. W. Wynn to Viscount Palmerston.

Copenhagen, August 19, 1841.

MY LORD, (*Received August* 24.)

I HAVE the honour to acknowledge the receipt of your Lordship's Despatch of the 9th inst., and I have to throw myself on your Lordship's indulgence if I delay acting on the instructions therein contained respecting Danish agents holding slaves in countries where slavery is still allowed.

I am convinced that a second application on the subject would only tend to embarrass the Danish Government, without any probability, or even possibility, of the desired effect being attained. It is only doing the Danish Government justice to say that they have uniformly acted with the greatest good faith in everything relating to the Slave Trade, and it is in pursuance of the same line of conduct that they now decline entering into engagements which, for the reasons mentioned in my last Despatch, they know that they have not the means of enforcing, even if they could, with any consistency, attempt to do so, as long as His Danish Majesty himself, and his subjects in the West Indies, are slave-owners; and thus allow to themselves what it is proposed to prohibit in others.

I have, &c.

(Signed) H. W. WILLIAMS WYNN.

The Right Hon. Viscount Palmerston, G.C.B. &c. &c. &c.

No. 21.

Viscount Palmerston to Sir H. W. W. Wynn.

SIR, *Foreign Office, August* 26, 1841.

I HAVE received your Despatch of the 19th instant, stating the reasons which had induced you to delay acting on the instructions conveyed to you in my Despatch, Slave Trade No. 5, of this year's series.

But I have to state to you that the Governments of Portugal, the Netherlands, and Sweden, have signified their intention of issuing, to their agents in slave-holding countries, orders similar to those which Her Majesty's Government have requested from the Governmet of Denmark. And each of those Governments is in the same position as Denmark, with respect to the existence of slavery in their colonies.

I have, therefore, to instruct you to represent this, by note, to the Danish Government, and to urge it in the terms of my instructions to you, in my Despatch abovementioned, to issue the orders in question.

I am, &c.

Sir H. W. W. Wynn, (Signed) PALMERSTON.
&c. &c. &c.

No. 22.

Sir H. W. W. Wynn to the Earl of Aberdeen.

Copenhagen, September 9, 1841.
(*Received September* 13.)

MY LORD,

IN compliance with the directions conveyed to me by Lord Palmerston's Despatch of the 9th instant, I have addressed to M. de Krabbe a second note (of which the enclosed is a copy) on the subject of the employment of slaves by Danish agents in slave- l ding countries. From a conversation which I have since had with M. de Krabbe I cannot flatter myself that it will have much effect, or that his Danish Majesty will be induced to alter the view he has taken of the subject.

I have, &c.

The Earl of Aberdeen, K.T. (Signed) H. W. WILLIAMS WYNN.
&c. &c. &c.

Enclosure in No. 22.

Sir H. W. W. Wynn to M. Krabbe Carisius.

Copenhagen, September 3, 1841.

THE undersigned, Her Britannic Majesty's Envoy Extraordinary and Minister Plenipotentiary, did not fail to transmit to his Government the answer which his Excellency M. de Krabbe Carisius returned to the communication which he was directed to make respecting the employment of slaves by official agents in slave-holding countries, and Her Majesty's Government regret that it is not of a more satisfactory nature. He has now been instructed to state in reply, that the Governments of Belgium, Hanover, Naples, Sardinia, Portugal, Holland, and Sweden,—the three last in the same position as Denmark with respect to the existence of slavery in their colonies,—have issued the orders which are now requested of Denmark. Her Majesty's Government trust that His Danish Majesty will be pleased to reconsider the subject, and that, acting on the same principles as his royal predecessor, who, to his great honour, was the first to declare himself against the Slave Trade, he will not on the present occasion be behindhand in taking a step, the object of which is to discountenance that traffic.

The undersigned avails himself of this opportunity to renew to his Excellency M. de Krabbe Carisius the assurance of his high consideration.

I have, &c.,
(Signed) H. W. W. WYNN.

His Excellency M. de Krabbe Carisius,
&c. &c. &c.

No. 23.

Sir H. W. W. Wynn to the Earl of Aberdeen.

Copenhagen, October 11, 1841.
(*Received October* 20.)

My Lord,

In reference to my Despatch of the 9th ultimo, I have now the honour to transmit the copy of a note I have received from M. de Krabbe, informing me that the Danish Government have acceded to the request made to them by that of Her Majesty; and that orders are to be forthwith sent, forbidding Danish Agents, subjects of His Danish Majesty, residing in countries where slavery is still legal, to hold slaves themselves.

I have, &c.
(Signed) H. W. W. WYNN.

The Earl of Aberdeen, K.G.
&c. &c. &c.

Enclosure in No. 23.

M. Krabbe Carisius to Sir H. W. W. Wynn.

M. le Chevalier,

J'ai mis sous les yeux du Roi la note que vous avez bien voulu m'adresser, e. d. du 4 Septembre de l'année courante, pour inviter le Gouvernement Danois à donner à ses agens diplomatiques et consulaires, dans les pays où l'ésclavage existe, des instructions pareilles à celles qui prescrivent aux agens diplomatiques et consulaires Britanniques, de s'abstenir de louer ou d'employer des esclaves, ou de prendre part à des spéculations qui se rapporteraient à la possession d'esclaves. Le Roi, animé du désir de coopérer avec Sa Majesté Britannique à tout ce qui pourrait prévenir la Traite des Nègres, sous quelle forme que ce soit, m'a en conséquence chargé, Monsieur le Chevalier, de vous annoncer, que des instructions absolument pareilles à celles adressées à cet égard, aux agens diplomatiques ou consulaires de la Grande Bretagne, seront données à tout sujet Danois, accrédité pour le moment ou à l'avenir, dans des pays où l'esclavage des nègres a une existence légale. Je saisis avec plaisir, Monsieur le Chevalier, cette occasion pour vous réitérer l'assurance de ma haute considération.

Copenhague, ce 6 *Octobre,* 1841. KRABBE CARISIUS.
A Sir Henry W. W. Wynn, Envoyé Extraordinaire et Ministre Plénipotentiaire de Sa Majesté Britannique.

(Translation.)

Sir,

Copenhagen, October 6, 1841.

I have laid before the King the note you were pleased to address to me on the 4th of September last, inviting the Danish Government to give to its diplomatic and consular Agents in the countries where slavery exists, instructions similar to those which direct British consular and diplomatic Agents to abstain from hiring or employing slaves, or from engaging in speculations connected with the possession of slaves. The King, animated by the desire of co-operating with Her Britannic Majesty in all that might prevent the trade in slaves, under any form whatsoever, has in consequence directed me to ac-

quaint you, Sir, that positive instructions, similar to those addressed on the subject to the diplomatic and consular agents of Great Britain, will be addressed to all Danish subjects, accredited now, or hereafter, in those countries where negro slavery has a legal existence.

I avail myself with pleasure.

(Signed) KRABBE CARISIUS.

Sir Henry W. W. Wynn, Envoy Extraordinary and Minister Plenipotentiary of Her Britannic Majesty.

No. 24.

The Earl of Aberdeen to Sir H. Wynn.

Foreign Office, October 30, 1841.

Circular sending Papers presented to Parliament.

(See No. 9.)

No. 25.

The Earl of Aberdeen to Count Bille Brahe.

Foreign Office, November 12, 1841.

Circular sending Papers presented to Parliament.

(See No. 10.)

No. 26.

Count Bille Brahe to the Earl of Aberdeen.

A Londres, ce 15 *Novembre,* 1841.

Le Chargé d'Affaires de Danemarck a l'honneur d'accuser réception à Son Excellence M. le Comte Aberdeen d'un exemplaire d'une Série de Papiers ayant rapport à la Traite des Nègres, et présentés aux deux Chambres du Parlement pendant la session dernière. Il prie Son Excellence d'en agréer ses remercimens.

(Translation.)

The Chargé d'Affaires of Denmark has the honour to acknowledge to the Earl of Aberdeen the receipt of a Copy of a Series of Papers relative to the Slave Trade, presented to the two Houses of Parliament during the last session. He begs his Excellency to receive his thanks for the same.

No. 27.

The Earl of Aberdeen to Sir H. Wynn.

Sir, *Foreign Office, November* 24, 1841.

I have received your Despatch of the 11th ultimo, enclosing copy of a Note from M. de Krabbe, stating that the Danish Government are about to prohibit their agents in slave-holding countries from being directly or indirectly interested in slave property; and I have to desire that you will express to

M. de Krabbe the cordial thanks of Her Majesty's Government for this communication.

I am, &c.
(Signed) ABERDEEN.

The Right Hon. Sir H. W. W. Wynn,
&c. &c. &c.

No. 28.

The Earl of Aberdeen to Sir H. Wynn.

Foreign Office, December 27, 1841.

Circular for all Laws on Slave Trade.

(See No. 12.)

FRANCE.

No. 29.

Baron Bourqueney to Viscount Palmerston.

MY LORD, *Londres, le* 17 *Décembre* 1840.

LE Gouvernement du Roi vient de m'adresser plusieurs pièces relatives à l'affaire du bâtiment la "*Sénégambie :*" elles contiennent, sur les opérations de recrutement des soldats noirs au Sénégal, et sur le régime des *engagés-à-temps,* les renseignements dont votre Excellence avait demandé elle-même à M. Guizot la communication.

J'ai l'honneur d'envoyer ces divers documens à votre Excellence, et j'y joins en même temps la lettre du Ministre des Affaires Etrangères qui accompagnait leur envoi.

J'espère qu'après avoir pris connaissance de ces documens, votre Excellence sera pleinement convaincue que l'expédition de la "*Sénégambie*" a été soupçonnée injustement de couvrir une opération illicite, et que le Gouvernement Anglais, qui l'a déjà implicitement reconnu, en ordonnant la mise en liberté de l'équipage, n'hésitera pas à accorder au Gouvernement du Roi le juste complément d'une légitime réparation.

Je prie votre Excellence de vouloir bien me renvoyer les pièces ci-jointes, en me fesant connaitre le résultat de la décision qu'elle aura cru devoir prendre.

Veuillez agréer, &c.

(Signé) BOURQUENEY.

Son Excellence le Vicomte Palmerston, G.C.B.,
&c. &c. &c.

(Translation.)

MY LORD,

THE Government of the King has just transmitted to me several documents relative to the affair of the vessel "*Sénégambie.*" They contain the information, the communication of which your Excellency himself had requested of M. Guizot, as to the systems of recruiting black soldiers at the Sénégal, and on the treatment of the *engagés-à-temps.*

I have the honour to send these different documents to your Excellency, and I enclose, at the same time, the letter of the Minister for Foreign Affairs which accompanied them.

I hope that, after having considered these documents, your Excellency will be fully convinced that the expedition of the "*Sénégambie*" has been unjustly suspected of covering an illicit undertaking, and that the English Government, which has already impliedly recognised it by ordering the liberation of the vessel, will not hesitate to grant to the Government of the King the just complement of a lawful compensation.

I request your Excellency to be so kind as to return the enclosed documents when communicating to me the result of the decision which you think proper to arrive at.

Accept, &c.

(Signed) BOURQUENEY.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

First Enclosure in No. 29.

Monsieur Guizot to Baron Bourqueney.

MONSIEUR LE BARON, *Paris, le 3 Décembre,* 1840.

J'AI l'honneur de vous adresser plusieurs pièces relatives à l'affaire du bâtiment la "*Sénégambie,*" saisi et condamné à Sierra Leone comme prévenu d'avoir fait la traite des noirs. Ces pièces renferment les informations que m'avait demandées Lord Palmerston, lorsque je l'entretins de cette affaire. La première de ces pièces est la copie d'une lettre adressée à mon prédécesseur par M. l'Amiral Roussin, sous la date du 16 du mois dernier, et contenant des détails circonstanciés sur les opérations de recrutement des soldats noirs, qui ont eu lieu précédemment au Sénégal. Les pièces B et C sont des copies d'arrêtés en vigueur dans la colonie, relativement au régime des engagés; celles qui portent les chiffres 3 et 4 sont la copie d'un des engagemens passés à Bissao et un extrait de la matricule des engagés-à-temps de l'état civil de Gorée.

Je dois ajouter que tout en justifiant M. le Gouverneur du Sénégal pour la reprise de l'opération relative au rachat d'esclaves, opération qui a amené la saisie de la "*Sénégambie,*" M. l'Amiral Roussin avait, dès le 2 Juillet dernier, donné à ce Gouverneur l'ordre de cesser toute opération de ce genre pour le compte du Gouvernement, et de n'en permettre aucune pour le compte des particuliers.

Du reste il résulte des informations parvenues au Ministère de la Marine que l'équipage de la "*Sénégambie,*" qui avait été condamné par la Cour de Sierra Leone, a été mis en liberté et est arrivé à Gorée. Lord Palmerston a donc tenu la promesse qu'il m'avait faite: mais cette disposition, comme le faisait observer M. l'Amiral Roussin, consiste à *faire remise* aux individus condamnés, d'un emprisonnement d'un mois. Si le Gouvernement Anglais reconnait que l'expédition de la "*Sénégambie,*" qui portait un caractère officiel, et qui placée sous la garantie d'un traité passé au nom du Gouvernement du Roi, était sauvegardée par les expéditions regulières existant à bord, s'il reconnait que cette expédition a été considérée à tort par les autorités administratives et judiciaires de Sierra Leone comme destinée à couvrir une opération illicite, il doit pousser plus loin la satisfaction due à notre pavillon et aux intérêts des parties lésées, en blâmant hautement l'officier Anglais qui a opéré l'arrestation, en déchargeant l'armateur du navire du cautionnement auquel il a été astreint pour obtenir sa mise en liberté, et en procurant des dédommagemens aux propriétaires et armateurs de la "*Sénégambie.*"

Je vous prie de vouloir bien insister auprès de Lord Palmerston pour qu'il fasse droit à ces justes demandes, dont la mise en liberté de l'équipage de la "*Sénégambie*" fait reporter l'équité, puisque cette concession est un aveu implicite de l'innocence des personnes compromises dans cette déplorable affaire.

Recevez, Monsieur le Baron, &c.

Monsieur le Baron de Bourqueney, (Signé) GUIZOT.
&c. &c. &c.

Second Enclosure in No. 29.

Admiral Roussin to M. Thiers.

M. LE MINISTRE ET CHER COLLEGUE, *Paris, le 16 Octobre,* 1840.

EN me faisant connaître, sous la date du 13 Juillet dernier, les résultats d'une conférence entre M. l'Ambassadeur du Roi à Londres et Lord Palmerston, au sujet de l'affaire de la "*Sénégambie,*" vous avez signalé à mon attention le désir exprimé par M. Guizot de recevoir des détails circonstanciés sur les opérations de recrutement de soldats noirs, qui ont eu lieu précédemment au Sénégal.

Ainsi que vous l'a déjà annoncé ma lettre du 30 Juin, 1840, il n'y a eu antérieurement à l'année dernière qu'un seul recrutement en masse de soldats noirs à la côte occidentale d'Afrique. Ce fait remonte à 1828, époque à la quelle le Gouvernement avait à former avec promptitude deux compagnies noires destinées à être employées dans une expédition à Madagascar. Deux

bâtimens de commerce furent envoyés par le Gouverneur du Sénégal, sous l'escorte d'un bâtiment de la station, pour racheter dans l'archipel des Bissagos 200 captifs, qui furent ensuite enrégimentés à Gorée avec engagement de 14 années, et transportés à Bourbon à bord de la corvette de guerre la "*Meuse.*" Depuis lors, en 1831, une compagnie de 110 soldats noirs, commandés par un officier et plusieurs sous-officiers Européens, a été envoyee du Sénégal à Cayenne sur le brick de l'état le "*Lancier.*" Cette compagnie se composait concurrément d'hommes appartenant déjà à la garnison du Sénégal et de captifs rachetés, un à un, au Sénégal même. Un second transport de même nature a été fait par la corvette de charge la "*Loire,*" qui a débarqué à Cayenne, en Août, 1836, un supplément de garnison de 40 soldats noirs, également recrutés individuellement au Sénégal. Dans ces différentes circonstances, les mesures prises quant au traitement des noirs, soit à Gorée, soit pendant le transport, n'ont point différé de celles qui sont ordinairement usitées à l'égard des garnisons Européennes, qui existent ou qui sont envoyées dans nos colonies. Ces opérations que le Gouvernement n'avait point recommandé de dissimuler, n'ont pu échapper à la connaissance des autorités Anglaises à la côte d'Afrique; il est remarquable qu'alors ces autorités n'ont pas provoqué même des explications à cet égard.

J'ai cru pouvoir attendre pour vous donner ces informations, la réponse qu'avait à me faire M. le Gouverneur du Sénégal, par suite des observations que je lui ai adressées au sujet de l'affaire de la "*Sénégambie.*" Cette réponse vient de me parvenir, et je m'empresse de vous en transmettre copie. Vous jugerez sans doute utile de la communiquer à M. l'Ambassadeur de France à Londres, avec mes dépêches des 30 Juin et 2 Juillet. Ces documens achèveront de mettre M. Guizot à portée de repousser, sur tous les points, les allégations des agens Anglais, trop facilement accueillies par le Gouvernement Britannique. Pour compléter les pièces à consulter, je crois devoir annexer à la lettre de M. le Gouverneur du Sénégal une copie des arrêtés en vigueur dans la colonie relativement au régime des engagés. Mais en même temps, je dois, M. le Ministre et cher collègue, insister sur ce que j'ai déjà dit dans ma correspondance antérieure, et répéter que nous déplacerions la question en la traitant avec le Gouvernement Anglais sous le point de vue du plus ou moins de légitimité de l'opération à la quelle la "*Sénégambie*" était employée par le Gouverneur du Sénégal. Si le Gouvernement Français croit devoir prendre en considération les observations du Cabinet de Londres, il peut s'engager à modifier pour l'avenir ses moyens de recrutement des troupes noires destinées aux garnisons et au service des colonies; mais le rôle des agens Anglais devait se borner à provoquer ces observations de la part du Gouvernement; la saisie préalable de la "*Sénégambie,*" au mépris de la licence délivrée par des autorités Françaises, et dont ce bâtiment était porteur, est une insulte préméditée, qui, à défaut de réparation suffisante, rejaillirait sur le pavillon Français.

Lord Palmerston a reconnu l'irrégularité et la violence même des faits qui lui ont été signalés par M. l'Ambassadeur de France. Quelle est cependant la réparation offerte jusqu'à présent par ce ministre? Ne se borne t'elle pas à une disposition d'indulgence en faveur des armateurs et de l'équipage du navire saisi, indulgence que nous ne pourrions accepter sans reconnaitre la régularité de ce qui s'est passé, et qui serait d'ailleurs elle même tout à fait dérisoire. En effet elle consisterait à *faire remise* aux individus condamnés à Sierra Leone d'un emprisonnement d'un mois, peine qu'ils ont du subir immédiatement après la condamnation. Lord Palmerston ne parlenullement, ni de blâmer publiquement l'officier Anglais coupable de l'arrestation, ni de décharger l'armateur du navire du cautionnement auquel il a été astreint pour obtenir sa mise en liberté. On ne dit rien des dommages, intêrêts considérables que l'administration du Sénégal est exposée à payer par suite de la prise à partie des intéressés; et il n'est fait aucune mention des dédommagemens dus au subrecargue de la goëlette pour les indignes traitemens qu'il a subi à Sierra Leone. Tout concourait enfin, dans une telle conclusion de cette affaire à confirmer, au lieu de l'effacer, le déplorable scandale qu'elle a produit sur toute la côte du Sénégal. J'ai la confiance que M. l'Ambassadeur de France reprendra cette affaire auprès du Cabinet Anglais, de manière à prévenir un si fâcheux résultat.

Agréez, &c.

(Signé) B. ROUSSIN.

Third Enclosure in No. 29.

Pièce No. 3, jointe à la lettre du Gouverneur du Sénégal, du 9 Août, 1840.

Extrait des Minutes de l'Etat Civil de Gorée.

PARDEVANT nous, Louis François Alphonse Thiesse, greffier remplissant les fonctions de notaire et celle d'officier de l'état civil à la résidence de l'île de Gorée, en présence des témoins ci-après nommés et aussi soussignés:

Aujourd'hui, 21 Janvier, 1840, est comparu M. Marbeau, armateur de la goëlette la "*Sénégambie*" du Sénégal, actuellement sur rade de cette île; lequel dit sieur comparant, conformément au troisième paragraphe de l'Article 3 de l'arrêté local sur le régime des engagés à temps, en date du 26 Septembre, 1823, nous a déposé, pour demeurer joints et annexés à nos minutes, soixante-trois actes d'affranchisemens conditionnels de soixante-trois nègres dénommés et qualifiés aux dits actes, rachetés ce mois-ci de divers de Bissao (bas de la côte) par lui moyennant 325 francs chaque, et affranchis conditionnellement sur le lieu même par M. de Cournet, Enseigne de Vaisseau, commandant la goëlette de l'état la "*Cigale*," affectée au service de cette colonie, en vertu des pouvoirs qui lui ont été délégués à cet effet par M. le Gouverneur du Sénégal et dépendances; les dits rachats et affranchissemens faits à charge par chacun des dits nègres de rester au service du Gouvernement Français pendant l'espace de quatorze années entières et consécutives, à compter du jour de leur affranchissement.

En conséquence, mon dit sieur Marbeau ayant introduit en cette ile ce jourd'hui les dits soixante-trois nègres à l'effet ci-dessus spécifié, nons avous reçu en dépot et annexé au présent les dits soixante-trois actes de leur affranchissement conditionnel, en primata et duplicata, datés de Nalous en rade de Bissao, des deux, trois, quinze, et seize de ce mois, numérotés de *un* à *soixante-trois*, dûment dressés et signés par mon dit sieur A. Cournet en sa dite qualité, et légalisés ce jourd'hui par M. le Commandant particulier de cette île.

Dont acte, fait et passé en double minute au greffe de l'île de Gorée, les dits jour, mois, et an, en présence des Sieurs John Ware, huissier, et François Boucher, propriétaire, tous deux demeurant en la dite île de Gorée, témoins, qui ont signé avec mon dit Sieur Marbeau, et nous, greffier, après lecture faite.

La minute signée—J. Marbeau, J. Ware, F. Boucher, et Thiesse, greffier.

Suit la teneur du premier des dits soixante-trois affranchissemens déposés et annexés au dit acte.

Sénégal et Dépendances.

Janvier, 1840. No. 1. Primata.—L'Enseigne de Vaisseau soussigné, commandant la goëlette de l'état la "*Cigale*," en vertu de l'autorisation donnée par M. le Gouverneur du Sénégal et dépendances, certifions avoir affranchi de toute servitude par le présent acte le nommé Tamba, agé de 18 ans, natif de l'intérieur, taille d'un mètre soixant centimètres, racheté du nommé Salefous pour la somme de 325 francs, suivant marché passé ce jour par M. Marbeau, avec le dit nommé Salefous, afin que le dit affranchi, qui nous a été présenté, et que nous avons reconnu propre au service militaire, auquel il est destiné, puisse jouir de sa pleine et entière liberté après s'être engagé à servir le Gouvernement Français, en qualité de pionnier, pendant l'espace de quatorze années consecutives, qui commenceront aujourd'hui, 2 Janvier, 1840. Nous avons donné au dit nègre Tamba, après l'avoir fait traduire dans sa langue, lecture de l'Article 12 de l'arrêté du 13 Mars, 1827, sur le régime des engagés a temps.

Fait à bord de la "*Cigale*," rade de Nalous, ce 2 Janvier, 1840.

L'Enseigne de Vaisseau, Commandant.

(Signé) A. COURNET.

Ensuite est écrit,—

Vu, pour légalisation par nous, Commandant particulier de l'île de Gorée, ce 21 Janvier, 1840.

(Signé) H. DAGORNE.

Pour expédition certifiée, conforme à la minute et à la première de ses annexes, délivrée à M. le Commandant particulier de l'île de Gorée, de sa réquisition, par nous, greffier, officier de l'état civil de la dite île, soussigné.

Gorée, le 5 Août, 1840. (Signé) THIESSE, *Greffier*.

Vu, pour légalisation de la signature ci-dessus de M. Thiesse, greffier, officier de l'état civil en l'île de Gorée, par nous, Commandant particulier, Président du Tribunal de Première Instance de la dite île.

Gorée, le 5 *Août,* 1840. (Signé) H. DAGORNE.

Vu, le Capitaine de Vaisseau, Gouverneur.

(Signé) CHARMASSON.

Pour copie conforme.

Le Conseiller d'Etat Directeur des Colonies.

(Signé) ST. HILAIRE.

Fourth Enclosure in No. 29.

Pièce No. 4, *jointe à la lettre du Gouverneur du Sénégal, du* 9 *Août,* 1840.

Sénégal et Depéndances.

Ile de Gorée. An 1840.

Extrait du Régistre Matricule des Engagés à temps du Ressort de l'État Civil de Gorée, pendant l'année 1840.

Nos. d'Ordre.	Noms des Engagés.	Leur Sexe.	Leur Age.	Lieux où ils sont placés.	Noms et Domiciles des Engagistes.	Dates des Engagements.	Dates et Nos. des Actes y relatifs.	Temps des Engagemens.	Mutations et Observations diverses.
518	Tamba.	Masculine.	18 ans.	Gorée.	Marbeau Négociant à St. Louis.	2 Janvier, 1840.	21 Janvier, 1840. No. 2.	14 ans.	Destiné au service militaire de pionnier à Cayenne: embarqué pour Cayenne sur la corvette de l'état la "Caravanne," le 8 Juin, 1840.

Pour extrait conforme du Registre original de l'Etat Civil de l'Ile de Gorée, et délivré à M. le Commandant particulier de la dite île, de sa réquisition, par nous, greffier, officier de l'Etat Civil, soussigné.

Gorée, le 5 *Août,* 1840. (Signé) THIESSE, *Greffier.*

Vu, le Gouverneur du Sénégal et Dépendances.

(Signé) CHARMASSON.

Vu, pour légalisation de la signature ci-dessus de M. Thiesse, greffier, officier de l'Etat Civil en l'Ile de Gorée, par nous, Commandant particulier, Président du Tribunal de Première Instance de îla dite le:

Gorée, le 5 *Août,* 1840. (Signé) H. DAGORNE.

Pour copie conforme,

Le Conseiller d'Etat, Directeur des Colonies.

(Signé) ST. HILAIRE.

Fifth Enclosure in No. 29.

Arrêté concernant le Régime des Engagés à temps, rendu au Sénégal le 28 *Septembre,* 1823.

Nous, Commandant et Administrateur du Sénégal et Dépendances: Après qu'il en a été délibéré en Conseil de Gouvernement et d'Administration, dans ses Séances du 24 et 26 Septembre, 1823;

Vu la loi du 2 Avril, 1818, et les ordres qui nous ont été transmis;

Nous avons arrêté et arrêtons ce qui suit, pour être exécuté provisoirement, sauf l'approbation de Son Excellence le Ministre de la Marine et des Colonies:

Article 1.

Itératives défenses sont faites d'introduire de nouveaux captifs à St. Louis, à Gorée, dans les postes et sur les établissemens de culture qui dépendent du Sénégal.

Tout individu qui y sera introduit comme captif sera saisi et employé, au titre d'engagé à temps, pour le compte du Gouvernement.

Article 2.

Ne sont pas compris dans la prohibition ci-dessus les captifs maintenant existant sur le continent de l'Afrique qui auront été rachetés de l'esclavage et engagés pour un temps limité; le tout dans les formes et aux conditions ci-après expliquées.

Article 3.

Les captifs devront être affranchis au moment du rachat. L'acte d'affranchissement sera fait dans le pays non soumis à l'administration Française, par acte sous seing privé, visé par le commandant du premier poste par lequel passera l'engagé a temps, dans les postes et sur les établissemens voisons, par l'employé chargé du service administratif, comme faisant fonctions d'officier de l'état civil, ou, s'il n'y en a pas, devant le chef du poste; à St. Louis, et à Gorée, devant les greffiers.

Il en sera, dans tous les cas, dressé double minute, et le dépôt en sera fait au greffe, sous les peines portées par l'Article 1. Le double sera envoyé en France comme doivent y être envoyés les doubles des actes de l'état civil.

Article 4.

L'acte d'affranchissement indiquera les noms du captif racheté, son sexe, son age, au moins approximativement, sa taille, son signalement, et les principales marques corporelles qui pourraient aider à le faire connaître. Il énoncera en outre les noms et les pays du vendeur et de celui qui opère le rachat, le lieu, la date, et le prix du marché, et la durée de l'engagement.

Article 5.

L'affranchissement sera pur et simple et irrévocable: cependant il pourra contenir la condition que l'affranchi restera, comme *engagé*, au service de celui qui l'aura racheté ou de ses ayant droits; mais la durée de l'engagement ne pourra excéder 14 années.

Article 6.

En cas de désertion, tout le temps qu'aura duré l'absence de l'engagé ne sera pas compté dans les 14 années de l'engagement, pourvu que la durée de cette absence ait été juridiquement constatées.

Article 7.

Tout enfant qui naitra d'une négresse engagée à temps sera libre en naissant, lors même qu'il aurait été conçu antérieurement à l'affranchissement.

L'engagiste sera tenu de nourrir et d'élever l'enfant, qui lui devra son temps et le travail dont il sera capable, jusqu'à ce qu'il ait été atteint l'age de vingt-un ans accomplis, en indemnité des soins qu'il aura reçus pendant son enfance, jusqu'au moment où il aura pu se rendre utile. Cependant il sera toujours facultatif à la mère et aux parens de l'enfant de traiter à l'amiable avec l'engagiste pour la libération actuelle de cet enfant. Cette liberation pourra même être exigée en justice, moyennant indemnité suffisante, proportionnée au temps pendant lequel l'enfant aura été à la charge de l'engagiste, laquelle indemnité pourra être arbitrée par le tribunal.

Article 8.

L'éngagé devra être traité avec humanité et douceur; on devra pourvoir d'une manière convenable à ce qu'il soit vêtu, nourri, et soigné en cas de maladie. Ses plaintes, s'il en est à former, pourront être portés par lui à tout fonctionnaire public, qui sera tenu de les faire parvenir aussitot au Présidn t duTribunal, soit à St. Louis, soit à Gorée.

Article 9.

S'il est reconnu que la plainte est fondée, un jugement du tribunal mettra l'engagé hors du pouvoir de l'engagiste, et forcera celui-ci à céder ses droits à un autre.

Si l'engagiste s'est livré envers l'engagé à des démonstrations de haine, ou à des excès que reprouve l'humanité, l'engagiste perdra définitivement ses droits sur l'engagé, qui finira son engagement pour le compte du Gouvernement, sans préjudice de l'indemnité qui pourra être allouée à l'engagé dans le cas où il en serait résulté pour lui des infirmités.

Toute protection est assurée aux engagistes qui auront sujet de plaintes contre leurs engagés.

Article 10.

Au moins une fois par an, des commissaires que déléguera, à cet effet, le commandant et administrateur, se feront représenter chaque engagé, s'assureront de sa présence, recevront ses plaintes, s'il y a lieu, et veilleront à ce qu'il soit regulièrement libéré à l'expiration de son engagement.

Article 11.

Sous la surveillance des Présidents des Tribunaux, de Première. Instance, tuteurs nés des engagés à temps, il sera tenu au greffe de St. Louis pour les engagés qui seront dans cette ville et dans ses dépendances, et au greffe de Gorée pour ceux qui se trouveront dans le ressort de cette île, un registre matricule de tous les engagés à temps; ce registre contiendra indication du nom, du sexe, de l'age de l'engagé, du lieu où il est placé, du nom de l'engagiste, de la date et du terme de l'engagement.

Article 12.

Toute mutation survenue dans l'état de l'engagé, par cession, libération définitive, désertion, ou autrement, devra être déclarée par l'engagiste dans la quinzaine de l'évènement, savoir, à St. Louis ou à Gorée au greffe, et partout ailleurs au chargé du service administratif, ou, s'il n'y en a pas, au chef du poste le plus voisin, sous peine d'une amende de 25f. à 100f. pour chaque contravention.

Article 13.

L'état civil des nègres engagés sera tenu de même que celui des Européens, c'est à dire, qu'il sera dressé régulièrement, pour ce qui les concerne, des actes de naissance et de décès.

Les déclarations devront être faites en conséquence par les engagistes, dans les 24 heures, sous peine de l'amende portée en l'article précédent.

Article 14.

L'engagé conservera pour son compte tout ce qu'il gagnera par ses économies et son travail particulier, sans nuire au travail qu'il doit à l'engagiste. A la fin de l'engagement ce qu'il aura acquis ainsi ne pourra être retenu.

Publié à St. Louis, le 28 Septembre, 1823.

(Signé) RUGER.

Pour copie conforme, le Conseiller d'Etat, Directeur des Colonies.

(Signé) ST. HILAIRE.

Sixth Enclosure in No. 29.

Copie d'un Arrêté rendu le 13 *Mars*, 1827, *par le Commandant et Administrateur du Sénégal, au sujet des Engagés à temps.*

Nous, Commandant et Administrateur du Sénégal et dépendances: Vu nos réglemens du 28 Septembre, 1823, et 31 Décembre, 1825, approuvés par Son Excellence le Ministre de la Marine et des Colonies;

Considérant que ces réglemens, en ce qui concerne les déclarations des mutations survenues parmi les *engagés à temps* et les actes de leur état civil, ne reçoivent pas une complète exécution, qu'il importe de réprimer les abus qui se sont introduits dans cette partie, et de prévenir ceux qui pourraient naître par la suite;

Voulant cependant user d'indulgence pour cette fois envers les contravenants, qui s'empresseraient de remplir autant que possible, pour le passé, les formalités préscrites;

Après avoir pris l'avis du Conseil du Gouvernement et d'Administration dans ses Séances des 10 et 13 Mars, 1827;

Avons arrêté et arrêtons ce qui suit, sauf l'approbation de Son Excellence le Ministre de la Marine et des Colonies.

Article 1.

Il sera fait une nouvelle publication du Réglement du 28 Septembre, 1823, sur le régime des engagés à tems, et de l'Article 7 du Réglement du 31 Décembre, 1825, sur la terme des registres de l'état civil, en même temps que du pé sent arrêté.

Article 2.

Dans les quinze jours qui suivent cette publication les possesseurs de nègres ou nègresses, engagés à tems, en retard de remplir cette formalité, devront faire au greffe à St. Louis et à Gorée, et partout ailleurs au chargé du service administratif, la déclaration de toute mutation survenue dans l'état de chaque engagé depuis son acte d'engagement, par *cession, libération définitive, désertion,* ou autrement.

Cette mutation sera annotée sur le registre et signée tant du déclarant que du dépositaire du registre.

Article 3.

Passé ce délai, les commissaires que nous déléguerons à cet effet vérifieront les déclarations qui auront été faites, se feront représenter les engagés à tems, et signaleront les contraventions qu'ils croiront remarquer, les quelles seront aussitot déférées aux tribunaux chargés d'appliquer les peines prononcés par les réglemens.

Article 4.

En cas de désertion prétendue, la preuve en pourra être fait comme il est dit dans l'article suivant pour les cas de décès.

Article 5.

Ceux qui n'auront pas fait, dans le délai légal, la déclaration des décès survenues parmi leurs *engagés,* seront admis, dans les quinze jours de la publication du présent, à faire preuve de ces décès devant le maire, ou devant le chef de canton, sur la déposition de quatre témoins majeurs, libres, et domiciliés dans la colonie. Ces actes de notoriété seront soumis à l'homologation du tribunal qui devra vérifier si les preuves sont suffisantes.

Les possesseurs qui feront, dans le délai ci-dessus fixé, des déclarations de naissances, seront relevés de l'amende portée par l'Article 13 du réglement du 28 Septembre 1823.

Article 6.

Les articles qui précédent ne s'appliqueront pas à des faits postérieurs à la date du présent arrêté, pour lesquels les dispositions générales recevront leur rigoureuse exécution.

Article 7.

A compté de la publication du présent arrêté, tout engagiste qui refusera ou qui sera dans l'impossibilité de représenter un *engagé* qu'il aura eu à sa disposition, sans justifier légalement de son décès ou de sa désertion, ou de la cession qu'il en aura faite, sera condamné à une amende de 300f., qui en cas de non-paiement pourra être commuée en un emprisonnement de *huit jours* à *deux mois,* ainsi qu'il sera fixé par le jugement de condamnation.

Article 8.

Quiconque aura fait une déclaration fausse, dans l'intention de faire perdre à un engagé les droits qui résultent de son acte d'engagement, sera puni comme il est dit dans l'article ci-dessus.

Article 9.

Il est expressément défendu aux engagistes de vendre des *engagés* à des ètrangers, c'est à dire à toute personne non domiciliée au moins depuis deux ans dans les villes ou établissemens dépendant de la colonie. Toute contravention sera passible des peines portées par l'Article 7.

Sont exemptés les Européens s'établissant au Sénégal, les quels seront tenus de donner, pendant les deux premières années de leur séjour, caution pour l'exécution du réglement par simple mention sur le registre matricule.

Article 10.

L'engagiste perdra, en outre, ses droits sur l'engagé à tems qu'il aura vendu comme captif, ou sans faire connaître spécialement sa qualité d'engagé.

Il en sera de même pour le cas où les déclarations et justifications n'auront pas été faites dans le délai fixé par le présent arrêté, et ensuite dans les délais du réglement de 1823.

Dans ces divers cas, l'engagé sera séquestré; il sera employé pour le compte du gouvernement, qui lui fera remise de la moitié du temps qui restera à courir sur la durée de son engagement.

Article 11.

Les engagés à temps seront admis à faire les déclarations ou les réclamations qu'ils jugeront dans leur intérêt, et auxquels le ministère public devra donner suite immédiatement.

Saint Louis, le 13 *Mars*, 1827. (Signé) BON. ROGER.

Pour copie conforme, le Conseiller d'Etat, Directeur des Colonies,

(Signed) ST. HILAIRE.

First Enclosure in No. 29.

(Translation.)

M. Guizot to Baron de Bourqueney.

M. LE BARON, *Paris, Dec.* 2, 1840.

I HAVE the honour to transmit to you several documents relating to the affair of the vessel the "*Sénégambie*," seized and condemned at Sierra Leone on suspicion of being engaged in the Slave Trade. These documents contain the information that Lord Palmerston asked from me when I was in communication with him upon this affair. The first of these documents is the copy of a letter addressed to my predecessor by Admiral Roussin, under date of the 16th ultimo, and containing certified details on the system of the recruiting of black soldiers, which formerly took place at the Senegal. The documents B and C are copies of Decrees in force in the colony, relating to the treatment of the *engagés;* those which bear the Nos. 3 and 4 are a Copy of one of the engagements made at Bissao, and an Extract from the register of the *engagés à temps* of the civil state of Gorée.

I ought to add, that Admiral Roussin, while justifying the Governor of Senegal for the renewal of the operation relative to the purchase of slaves—an operation which caused the seizure of the "*Sénégambie*," had, on the 2nd of July last, given orders to this Governor to cease from every operation of this kind on account of the Government, and not to permit any on account of private individuals.

Moreover it appears, from information received by the Minister of the Marine, that the crew of the "*Sénégambie*," which was condemned by the Court of Sierra Leone, have been liberated, and have arrived at Gorée. Lord Palmerston has thus kept the promise he made me: but this arrangement, as Admiral Roussin observed to him, remits to the condemned persons an imprisonment of a month. If the English Government would bear in mind that the expedition of the "*Sénégambie*," which bore an official character, and which, placed under a warranty of a Treaty concluded in the name of the King, was protected by regular warrants on board, if it considered that this expedition was judged wrong by the administrative and judicial authorities of Sierra Leone as destined to cover an illicit operation, it ought to extend to a greater length the satisfaction due to our flag and to the parties aggrieved, by severely reprimanding the English officer who made the seizure, by freeing the master of the vessel from the bail to which he was subjected in order to obtain his liberation, and by giving recompensation to the owners and laders of the "*Sénégambie*."

I request you will have the goodness to insist on Lord Palmerston's doing justice to these equitable demands, the justness of which is evident from the

liberation of the crew of the "*Sénégambie*," since this concession is an implied avowal of the innocence of the persons engaged in this unfortunate affair.

Accept, &c.
(Signed) GUIZOT.

The Baron de Bourqueney,
&c. &c. &c.

Second Enclosure in No. 29.

(Translation.)

Admiral Roussin to Monsieur Thiers.

M. LE MINISTRE ET CHER COLLÈGUE, *Paris, October* 16, 1840.

ON communicating to me, on the 13th of July last, the result of a conference between the Ambassador of the King at London and Lord Palmerston, on the subject of the affair of the "Sénégambie," you directed my attention to the desire expressed by M. Guizot, to receive certified details of the system of the recruiting of black soldiers which formerly took place at the Senegal.

As I have already informed you, in my letter of the 30th of June, 1840, previously to last year there had been only one recruitment *en masse* of black soldiers on the west coast of Africa. This event refers to the year 1828, a period when the Government wanted to raise quickly, two black companies destined to be employed in an expedition to Madagascar.

Two merchant-vessels were sent by the Governor of Senegal, under the escort of a vessel of the station, to purchase in the Archipelago 200 captive Bissagoss, who were then enrolled at Gorée for an apprenticeship of 14 years, and transported to Bourbon on board the corvette of war "Meuse." Since then, in 1831, a company of 110 black soldiers, commanded by a European officer, and many European subalterns, was sent from Senegal to Cayenne in the Government brig "Lancier." This company was composed jointly of men belonging already to the garrison of Senegal and of captives purchased individually at Senegal itself. A second transport of the same nature was made by the transport corvette "Loire," which disembarked at Cayenne in August, 1836, an addition for the garrison of 40 black soldiers, also recruited individually at Senegal. In these different circumstances the measures adopted for the treatment of the blacks, whether at Goree, or whether during the transportation, in no way differed from those usually adopted for European garrisons which exist in or which are sent to our colonies. These operations, which the Government had in no way taken care to conceal, could not have escaped the knowledge of the English authorities on the coast of Africa; it is remarkable that then these authorities did not even ask for explanations on this point. I thought I could wait, in order to give you this information, for the answer that the Governor of Senegal had made me, in consequence of the observations I had made to him on the subject of the affair of the "*Sénégambie*." This answer has just reached me, and I hasten to send you a copy of it. You will doubtless judge it useful to communicate it to the Ambassador of France at London, with my Despatches of the 30th of June and 2nd of July. These documents will suffice to put M. Guizot in readiness to repel, on every side, the allegations of the English agents, too easily accredited by the British Government. In order to complete the documents to be deliberated upon, I think it right to annex to the letter of the Governor of Senegal a copy of the warrants in force in the colony relative to the treatment of the *engagés*. But, at the same time, M. le Ministre, I think it my duty to insist on what I have already said in my former correspondence, and to repeat, that we put it out of the question, by treating with the English Government, on the point of view of the greater or less legitimacy of the operation in which the "*Sénégambie*" was employed by the Governor of Senegal. If the French Government think they ought to take into consideration the observations of the Cabinet of London, it can engage itself to henceforward change its means of recruiting for black troops destined for the garrisons and service of the colonies; but the list of English agents

ought to set a limit to making these observations on the part of the Government; and the seizure of the "*Sénégambie*," in contempt of the licence given by the French authorities, and which this vessel carried, is a premeditated insult, which, in default of sufficient reparation, would cast aspersions on the French flag.

Lord Palmerston is aware of the irregularity and even of the violence of the acts that were made known to him by the Ambassador of France. What, then, is the reparation offered up to the present time by this minister? Does it not limit itself to a disposition of indulgence in favour of the laders and the crew of the captured vessel?—an indulgence which we cannot receive without recognising the regularity of what is passed, and which would itself elsewhere be altogether a subject of derision. In fact, it would consist in remitting the individuals condemned at Sierra Leone from an imprisonment for a month; a punishment which they were to have undergone immediately after condemnation. Lord Palmerston in no place speaks either of publicly blaming the English officer guilty of the capture, nor of freeing the master of the vessel from the bail to which he was subjected in order to obtain his liberation. Nothing is said of losses, considerable interests that the Administration of the Senegal is liable to pay in consequence of the capture to those interested; and there is no mention made of the indemnities due to the supercargo of the vessel for the undeserving treatment he experienced at Sierra Leone. In fine, everything tends, from such an issue of this affair, to confirm instead of effacing the lamentable scandal it has produced on the coast of Senegal. I am confident that the French Ambassador will bring this affair again before the English Cabinet in a manner which will anticipate so sad a result.

Accept, &c.

M. Thiers,
&c. &c. &c.

(Signed) BON. ROUSSIN.

Third Enclosure in No. 29.

(Translation.)

Paper No. 3, annexed to the Letter of the Governor of Senegal of the 9th August, 1840.

Extract from the Minutes of the Civil Government of Goree.

BEFORE me, Louis François Alphonse Thiesse, greffier, performing the functions of notary and of constable of the civil Government at the residence of the island of Goree, in the presence of witnesses hereinafter named and signed.

This day, the 21st of January, 1840, appeared M. Marbeau, owner of the schooner "*Sénégambie du Sénégal*," at present in the roads of this island, who, conformably with the third paragraph of the third article of the local decree, as to the management of apprentices, dated the 26th of September, 1823, deposited with me, for the purpose of adding and annexing to our minutes, sixty-three conditional certificates of emancipation, for sixty-three negroes, named and particularized in the said certificates, who were purchased by him this present month from several persons at Bissao (on the lower coast) at 325 francs each, and liberated conditionally at the said place by M. de Cournet, Enseigne de Vaisseau, commander of the Government schooner "*La Cigale*," attached to the service of this colony, in virtue of powers delegated to him for that purpose by the Governor of Senegal and its dependencies, the said repurchase and liberation being made at the expense of each of the said negroes remaining in the service of the French Government for a period of fourteen full and consecutive years, counting from the date of their liberation.

Consequently, the said M. Marbeau having introduced into this island this day the said sixty-three negroes, for the purpose above mentioned, I have received in deposit, and annexed to the present, the sixty-three certificates of their conditional emancipation, in original and duplicate, dated at Nalous, in the roadstead of Bissao, on the 2nd, 3rd, 15th, and 16th of this month, numbered from one to sixty-three, and duly filled up and signed by the said M. Cournet in his aforesaid capacity, and legalized this day by "M. le Commandant, particulier," of this island.

This act being completed, and passed in double minute to the "greffe" of the island of Goree, on the said day, month, and year, in the presence of Messrs. John Ware, huissier, and François Boucher, landed proprietor, both residing in the said Island of Goree, as witnesses, who sign this together with the said M. Marbeau and myself, greffier.

[Here follows a copy of the first of the said sixty-three certificates deposited and annexed to the said proceedings.]

Senegal and its Dependencies.

No. 1. *January*, 1840.

Firstly. I, the Undersigned, Enseigne de Vaisseau, Commander of the Government schooner "*La Cigale*," in virtue of authority granted by the Governor of Senegal and its dependencies, certify that I have freed from all slavery, by the present deed, the individual named Tamba, aged eighteen years, a native of the interior, measuring one mètre, sixty centimètres, repurchased from the individual named Salefous, in order that the said freed man, who has been brought before me, and found by me to be fit for military service, for which he is destined, may enjoy full and entire freedom, after engaging himself to serve the French Government, as a pioneer, for the space of fourteen consecutive years, beginning from the present date, the 2nd of January, 1840. I have caused to be read to the said negro Tamba a translation in his language of the 12th article of the decree of the 13th March, 1827, as to the treatment of apprentices (*engagés à temps*).

Dated on board the "*Cigale*," in the roadstead of Nalous, this 2nd of January, 1840.

L'Enseigne de Vaisseau, Commandant,
(Signed) A. COURNET.

[Here follow attestations and signatures.]

Fourth Enclosure in No. 29.

(Translation.)

Paper No. 4 *annexed to the letter of the Governor of Sénégal, of the* 9*th of August*, 1840.

Sénégal and its Dependencies.

Island of Gorée, year 1840.

Extract from the Register of the Engagés à temps du Ressort of the Civil Government of Gorée, during the year 1840.

No. of Order.	Names of Persons engaged.	Sex.	Age.	Places where resident.	Names and Dwellings of Persons engaging.	Dates of Engagements.	Dates and Numbers of the Acts and Proceedings.	Period of Engagements.	Changes and various Remarks.
518	Tamba.	Male	18 yrs.	Gorée.	Marbeau, Merchant at St. Louis.	2nd Jan., 1840.	21st Jan., 1840. No. 2.	14 yrs.	Destined for the Military service of Pioneer at Cayenne, on board the Government Corvette La Caravanne, 8th June, 1840.

This extract is taken from the original register of the Civil Government of the Island of Gorée, and delivered to M. le Commandant particulier of the said island, on his order, by me, the undersigned Greffier, officer of the Civil Government.

Gorée, 5th August, 1840. (Signed) THIESSE, *Greffier.*

Examined: The Governor of Sénégal and its Dependencies.
(Signed) CHARMASSON.

Examined, in order to legalize the signature of M. Thiesse, Greffier, officer of the Civil Government of the Island of Gorée, by me, the undersigned Commandant particulier, President of the Tribunal de Premièrc Instance in the said island.

Gorée, 5th August, 1840. (Signed) H. DOGORNE.

A true Copy.
The Councillor of State, Director of the Colonies.
(Signed) ST. HILAIRE.

Fifth Enclosure in No. 29.

(Translation.)

Decree respecting the treatment of Apprentices, issued at Senegal the 28th September, 1823.

I, THE commander and administrator of Senegal and its dependencies, after deliberation by the council of government and administration at its sittings of the 24th and 26th of September, 1823, respecting the law of the 2nd of April, 1818, and the orders that have been transmitted to me, I have decreed, and hereby decree as follows, to be provisionally executing, saving the approbation of His Excellency the Minister of Marine and Colonies.

Article 1.

It is again prohibited to introduce fresh slaves into St. Louis, or Goree, into the stations and upon the establishments of culture dependent upon Senegal.

Every individual who shall be introduced as slave will be seized and employed, as engagé à temps, for account of the government.

Article 2.

The slaves at present on the continent of Africa, who may have been repurchased from slavery, and engaged for a limited period, are not comprised in the above prohibition; the whole being subject to the forms and conditions hereinafter explained.

Article 3.

The slaves must be liberated at the time of their purchase. The act of manumission to be effected in countries not subject to French government, under sign manual, viséed by the commandant of the first station through which the engagé à temps shall pass; at the neighbouring stations and establishments, by the employé charged with the administrative service, as the officer performing the functions of the état civil, or, in case there be no such officer, before the chief of the station; and at St. Louis, Goree, before the Greffiers.

In all the above cases, a double minute thereof shall be taken, and deposited with the greffe under the penalties imposed by Article 1. The duplicate will be sent to France, in the same manner as the proceedings of the état civil.

Article 4.

The document of manumission shall declare the names of the purchased slave, his sex, his age, as near as may be, his height, proportions, and the principal marks on his body, which might aid in recognizing him. It shall likewise state the names and residence of the seller, and the person effecting the purchase, the place, date, and price of the purchase, and the period of the engagement.

Article 5.

The liberation shall be pure, simple, and irrevocable; it may nevertheless contain the condition that the person liberated may remain, as *engagé*, in the service of the person purchasing him, or his attorney; but the term of the engagement shall not exceed 14 years.

Article 6.

In case of desertion, the whole period of the absence of the engagé will not be counted in the 14 years of the engagement, provided the period of such absence shall be judicially determined.

Article 7.

A child born of a negress engagée à temps shall be free at its birth, even though she may have conceived previously to her liberation.

The person engaging such negress shall be bound to maintain and bring up the child, whose services and labour shall belong to him until it shall have attained the age of 21 years, in indemnification of the care taken of it during its childhood, and until such time as it could make itself useful. Nevertheless it shall be always at the option of the mother or parents of the child to treat amicably with the person engaging them for the actual liberation of the child. Such liberation may even be legally exacted, on payment of a sufficient indemnity, proportioned to the time such child shall have been under the care of the person engaging, which indemnity may be awarded by the tribunal.

Article 8.

The engagé shall be treated with humanity and kindness; and it shall be provided that he be clothed, maintained, and taken care of, in case of illness. His complaints, should he have any to make, can be made by him to any public functionary, who will be held to lay them forthwith before the president of the tribunal either at St. Louis or at Goree.

Article 9.

If it be decided that the complaint is just, a sentence of the court shall remove the engagé out of the power of the person engaging, and shall compel the latter to give up his rights to another person.

In case the person engaging shall manifest feelings of dislike towards the engagé, or punish him in a manner reprobated by humanity, the former shall forfeit all right to the engagé, who will complete his engagement for account of the government, without prejudice to the indemnity that may be awarded to him, in case of any injury that may result to him from such punishment.

Every protection is guaranteed to the persons engaging who shall have cause of complaint against their engagés.

Article 10.

At least once a year, commissioners to be appointed for the purpose by the commandant and administrator, will cause each engagé to appear before them, will verify their presence, hear their complaints, if they have any to make, and will see that they be regularly liberated at the expiration of their engagement.

Article 11.

The greffe of St. Louis shall be bound on the part of the engagés in that city and its dependencies, and the greffe of Goree on the part of those who may be within the jurisdiction of that island, under the surveillance of the presidents of tribunals *de première instance*, to keep a register of all engagés à temps; which register shall contain the names, sex, and age of the engagé, of the place of his residence, and the date and period of the engagement.

Article 12.

All changes in the condition of the engagé, by cession, final liberation, desertion, or otherwise, shall be declared by the person engaging within a fortnight of the occurrence, namely, at St. Louis or at Goree to the greffe, and everywhere else to the person charged with the administrative service, or, if there be no such person, to the chief of the nearest station, under a penalty of from 25 francs to 100 francs for each infraction.

Article 13.

The civil condition of negroes engagés shall be the same as that of Europeans, viz., there shall be regularly kept for them a register of births and deaths.

The declarations shall consequently be made by the persons engaging, within 24 hours, under the penalty prescribed in the preceding article.

Article 14.

The engagé shall keep for himself all he may make by saving, or by extra work, without detriment to the labour he owes to the person engaging him.

On the completion of the engagement what he may have thus made cannot be kept from him.

Published at St. Louis the 28th September, 1823.

(Signed) ROGER.

A true copy.

The Councillor of State and Director of the Colonies,

(Signed) ST. HILAIRE.

Sixth Enclosure in No. 29.

(Translation.)

Copy of a Decree issued the 13th of March, 1827, by the Commandant and Administration of Senegal, respecting Apprentices (engagés à temps).

I, the Commandant and Administrator of Senegal and its dependencies, having considered the regulations of the 28th of September, 1823, and the 31st of December, 1835, approved by his Excellency the Minister of Marine and the Colonies;

And considering that those regulations, as regards the declarations of the changes taking place among the engagés à temps and the acts of their civil condition, are not duly executed, and that it is necessary to repress the abuses which have crept into this subject, as well as to prevent those that might hereafter arise;

And wishing nevertheless to show indulgence, on this occasion, toward s he infractors, who will hasten, as far as possible, to comply with the prescribed formalities, as regards the past:

After having taken the opinion of the Council of the Government and Administration in its sittings of the 10th and 13th of March, 1827,

I have decreed and hereby do decree as follows, saving the approbation of His Excellency the Minister of Marine and the Colonies.

Article 1.

A new publication shall be made of the regulation of the 28th of September, 1823, as to the management of the engagés à temps, as well as of the 7th Article of the regulation of the 31st of December, 1825, as to the term of the registers of the état civil, at the same time as of the present decree.

Article 2.

Within a fortnight after the said publication the holders of negroes and negresses à temps, having neglected to comply with this formality, shall make before the greffe of St. Louis and Goree, and everywhere else before the person charged with the administrative service, a declaration as to any changes that may have taken place in the condition of each engagé since the act of engagement by cession, final liberation, desertion, or otherwise.

Such change shall be noted in the register and signed by the declarant as well as by the depositor of the register.

Article 3.

After such delay, the commissioners to be appointed by me for the purpose will certify the declarations that have been made, will cause the engagés à temps to be brought before them, and will point out the contraventions they may remark, which shall be immediately submitted to the tribunals whose duty is to apply the penalties pronounced by the regulations.

Article 4.

In case of pretended desertion, proof thereof may be deduced in the manner stated in the following article for cases of decease.

Article 5.

Such persons as shall not during the legal delay have made declaration of the deaths that may have happened among their engagés, shall be admitted, within a fortnight after the publication of the present, to deposit proof of the deaths before the mayor, or before the chief of the canton, upon the deposition of four witnesses of age, free condition, and settled in the colony. These acts

of notoriety shall be submitted to the "homologation" of the tribunal, whose duty is to ascertain whether the proofs are sufficient.

The holders who shall make declarations respecting births within the period above prescribed, shall be relieved of the fine imposed by Article 13 of the regulation of the 28th of September, 1823.

Article 6.

The preceding Articles shall not apply to facts subsequent to the date of the present decree, respecting which the general orders will be rigorously enforced.

Article 7.

From the date of the publication of the present decree any person engaging who shall refuse or may be unable to produce an engagé he shall have had in his service, without legally proving his death or desertion, or his having restored him, shall be condemned to a fine of 300 francs, which, in case of non-payment, can be commuted to imprisonment varying from *eight days* to *two months*, as may be determined upon by the sentence of condemnation.

Article 8.

Whoever shall have made a false declaration with the intention of depriving an engagé of the rights he derives from his engagement shall be punished as stated in the above Article.

Article 9.

It is expressly prohibited to persons engaging (engagistes) to sell engages to foreigners, that is to say to any person not domiciled at least two years in the towns or establishments dependent on the colonies. All contraventions will be subject to the penalties imposed in Article 7.

Europeans settling in Senegal are exempted, and will be required to give, during the two first years of their residence, security for the execution of the regulations by means of a simple notice in the register.

Article 10.

The person engaging shall lose, moreover, all claim upon the engagé à temps, whom he may have sold as a slave, or without specially notifying his condition of engagé.

The same shall apply to those cases wherein the declarations and justifications shall not have been made within the period allowed by the present decree, and further within the period allowed by the regulation of 1823.

In the several cases above-mentioned the engagé shall be sequestrated, and employed for account of the Government, which will remit him one-half of the remaining time he may have to serve to complete his engagement.

Article 11.

The engagés à temps will be permitted to make such declarations or claims as they may consider for their interest; and to which the administration will give immediate attention.

(Signed) B. ROGER.

St. Louis, 13*th March*, 1827.

(A true copy.)

The Councillor of State and Director of the Colonies,

(Signed) ST. HILAIRE.

No. 30.

Baron Bourqueney to Viscount Palmerston.

Londres, le 31 *Janvier*, 1841.

MY LORD, (*Received February* 2.)

J'AI eu l'honneur d'adresser à votre Excellence le 17 Décembre dernier plusieurs pièces relatives à l'affaire du bâtiment *la Sénégambie*. Je la priois en même temps de vouloir bien me les renvoyer, en me faisant connoitre ses intentions relativement aux mesures de réparation que le Gouvernement Français se croyait fondé à demander.

Mon Gouvernement m'invite de nouveau, my Lord, à l'informer de la suite que votre Excellence aura jugé à propos de donner à cette réclamation ; je vous serai très reconnoissant de vouloir bien me mettre à même de lui répondre le plus promptement possible.

Veuillez agréer, my Lord, la nouvelle assurance de ma plus haute considération.

(Signé) BOURQUENEY.

A son Excellence le Vicomte de Palmerston, G.C.B.,
&c. &c. &c.

(Translation.)

My Lord, *London, 31st January,* 1841.

I had the honour to address to your Excellency, on the 17th of December last, several communications relative to the affair of the vessel "*Sénégambie.*" I requested your Lordship, at the same time, to be pleased to return them to me and to let me know your intentions relative to the measures of reparation which the French Government considered itself entitled to demand.

My Government desires me anew, my Lord, to report to it the answer which your Excellency shall have thought proper to return to this demand ; I shall, therefore, be much obliged if you will be pleased to enable me to reply as promptly as possible.

Accept, my Lord, &c.

(Signed) BOURQUENEY.

To His Excellency Viscount Palmerston, G.C.B.,
&c. &c. &c.

No. 31.

Viscount Palmerston to Lord Granville.

My Lord, *Foreign Office, February* 3, 1841.

Her Majesty's Government have received information that a company of French merchants called the Gallam Company, who have established a factory at Sajou on the Casamança, are allowed by the French Government to purchase slaves there, and to convey such slaves to Goree and Senegal, where they sell such slaves to the French authorities.

The details given of this transaction are as follows :—

The natives near the River Casamança bring their commodities down to the banks of that river, in order to exchange them with the French merchants for European manufactured goods. These native traders employ slaves to carry their merchandise from the interior down to the River, and as the goods they sell are usually more bulky than those which they receive in return, it is a convenience to them to sell those slaves who are not wanted to carry back to the interior the goods purchased from the French merchants.

The French traders thus purchase the slaves at a low price, and dispose of them to the French authorities; and those authorities, when they have bought these slaves, nominally apprentice them for 14 years, and then send them to the French West Indian Colonies to serve there as soldiers.

I have to desire that your Excellency will, by a note to M. Guizot, communicate to his Excellency this information respecting Slave Trade carried on by the French Gallam Company, and by the French Government authorities at Senegal; not doubting that M. Guizot will be glad to have his attention directed to proceedings so much at variance with the humane principles which actuate the French Government, and with the Treaty engagements of the French Crown.

I have, &c.

(Signed) PALMERSTON.

His Excellency Earl Granville, G.C.B.,
&c. &c. &c.

No. 32.

Earl Granville to Viscount Palmerston.

Paris, March 8, 1841.
(Extract.) (*Received March* 11.)

I ENCLOSE the "Moniteur" of yesterday, containing the report of the Debate which took place on Saturday in the Chamber of Deputies, on the treatment of slaves, and on the abolition of slavery in the French colonies.

A general opinion prevails that the system of slavery cannot long be maintained in those islands, and the commission, of which the Duc de Broglie is President, are sincere in their endeavours to effect its abolition at no distant period.

Enclosure in No. 32.

(Memorandum.)

Debate in the Chamber of Deputies, March 6, 1841.

M. LACROSSE drew the attention of the Chambers to the condition of slaves in the French colonies, as shown at the recent trial of M. Douillard Mahaudière, at Guadeloupe, for cruelly imprisoning his slave, a charge on which the jury acquitted him.

The Minister of Marine stated, in answer to the call of M. Lacrosse, that the Government was giving its serious attention to limiting the power of masters to imprison their slaves; that the establishment of a register of punishments on each plantation, for the inspection of the visiting magistrate, as recommended by M. Lacrosse, was a measure easily taken; and that the abuses arising from the present formation of the juries in the colonies would be provided against by a new law.

M. Jollivet and others spoke on the question of the guilt or innocence of M. Mahaudière.

M. Janvier spoke in favour of the general good treatment of slaves in Guadeloupe; he took occasion to state that he was a member of the Commission formed by the preceding Government (that of M. Thiers) to consider the best method of bringing about emancipation; that he had done his best to bring the Council of Guadeloupe to enter into the views of the Commission, and would have succeeded if he had not been crossed by the Government. He said, "Que des influences autorisées, accréditées par le même Ministère qui avait formé la Commission, m'ont combattu, et l'ont emporté dans les résolutions du conseil." He added that the colonists "ont été presque officiellement induits à croire, que la création de la Commission n'était pas une menace aussi sérieuse, aussi décisive, qu'on l'avait annoncé."

M. Guizot said, "Cette Commission continue ces travaux; elle les continue sérieusement, comme il est dans l'intention sérieuse du Cabinet d'y donner suite. La Commission a deux grandes questions à examiner; comment on peut parvenir à l'abolition de l'esclavage, et comment la réforme du régime économique et de l'administration des colonies doit se lier à l'abolition de l'esclavage. . . . . Elle poursuit cet examen avec activité, et elle surmontera les obstacles si elle en rencontre, et le Gouvernement aidera à les surmonter . . . . . Quand elle aura accompli son travail, le Gouvernement prendra sur les deux questions une résolution qui sera efficace."

The question of the insincerity of the former Cabinet was then followed up by M. Passy, who stated that the former Government had failed to support the Commission in obtaining answers to the questions they put to the colonies, and had sent out a mission which interfered with the nominations of delegates by the Colonial Council; that consequently one of the delegates, who had shown himself disposed to enlighten the Government as to the course to be pursued, was not re-elected, and that nothing could be done unless the Commissioners were supported by Government; on which M. Guizot observed, "Vous le serez certainement."

M. Remusat affirmed that this was the first time that the ministry of which he had been a member had heard speak of the complaints made by MM. Janvier and Passy, and denied that the ministry had been insincere in its support of the Commission, or had sent any mission concerning the delegates.

M. Passy persisted in his statement, adding that the necessary funds for this mission were demanded in the budget of 1840, and that its result was that it influenced the election of the colonial delegates.

M. Anguis, in support of this, read a letter from M. Granier de Cassagnac (who, it appears from this very letter, is a paid agent of the Council of Guadeloupe), in which that gentleman says, "Feuillide, qui part demain avec une mission de Gouvernement, vous expliquera comment des engagemens pris avec le Cabinet me forcent à rester ici." "J'écris à D., pour lui exposer le plan de défense qui serait à mon avis le seul efficace." "M. le Président du Conseil m'a envoyé le directeur, qui m'a demandé de faire mes conditions pour l'avenir. Il y a eu un Traité de fait," &c.

The Chambers then passed to the order of the day.

It may be observed that M. Passy stated that the facts to which he alluded had only come to light within the preceding fortnight; and that he intended to bring the matter forward at the first general meeting of the Commission.

No. 33.

Viscount Palmerston to Earl Granville.

MY LORD, *Foreign Office, March* 18, 1841.

I HEREWITH transmit to your Excellency a copy of a communication which has been received at this office from the Colonial department, reporting the circumstances under which a Greek brig, "*The Miltiades*," with 14 negro slaves on board, has been detained at the port of Argostolo in the Island of Cephalonia.

From these papers your Excellency will perceive that an agreement for the freight of 13 of these slaves was made at the house of one Gaspari, who is stated to be a French subject, and to be employed as English agent or Vice-Consul at Goletta, in the bay of Tunis, and that Gaspari and M. Annibal Caneo d'Ornano, commanding the French brig of war "*Palestine*," and two other French officers, were present at the making of this agreement.

I have to desire that your Excellency will communicate these statements by note to M. Guizot, and you will add that Her Majesty's Government have lost no time in instructing Her Majesty's Consul-General at Tunis to discontinue employing M. Gaspari as British Vice-Consul, and to let that individual know the reason why he is discharged from his employment.

I have, &c.
(Signed) PALMERSTON.

His Excellency Earl Granville, G.C.B.,
&c. &c. &c.

For Enclosures in No. 30 see Enclosures in Despatch of Sir E. Lyons, of March 19, 1841 (Class D).

No. 34.

Earl Granville to Viscount Palmerston.

Paris, March 26, 1841.
MY LORD, (*Received March* 29.)

I HAVE the honour to state to your Lordship that, in obedience to your instructions, I addressed a Note to M. Guizot, enclosing documents transmitted by the Lord High Commissioner of the Ionian Islands relative to the detention at Cephalonia of a Greek vessel, the "*Miltiades*," on board of which were found 14 slaves.

I have, &c.
(Signed) GRANVILLE.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

No. 35.

Viscount Palmerston to Earl Granville.

MY LORD, *Foreign Office, April* 14, 1841.

I HEREWITH transmit to your Excellency a Copy of a Letter from the Colonial Office, together with two copies of a Paper referred to therein, entitled

'Memoranda on the Progress of the Free System in the W t India Colonies in 1840;" and I have to desire that your Excellency will transmit one copy of that Paper to M. Guizot, as containing information which it may be satisfactory to M. Guizot to possess.

I am, &c.
(Signed) PALMERSTON.

His Excellency Earl Granville, G.C.B.,
&c. &c. &c.

Enclosure in No. 35.

(See Memorandum enclosed in No. 173, Class A.)

No. 36.

Viscount Palmerston to Earl Granville.

Foreign Office, April 15, 1841.

Circular sending Treaty with the Argentine Confederation.

(See No. 1.)

No. 37.

Viscount Palmerston to Earl Granville.

Foreign Office, April 22, 1841.

Circular sending Convention with Hayti.

(See No. 2.)

No. 38.

Mr. Bulwer to Viscount Palmerston.

Paris, April 19, 1841.
(*Received April* 22.)

MY LORD,

WITH reference to your Lordship's Despatch to Earl Granville of the 18th ultimo respecting a Greek brig, the "*Miltiades,*" with 14 negro slaves on board, which had been detained at the port of Argostolo in the Island of Cephalonia, I have the honour to enclose to your Lordship the copy of a Note which I have received from M. Guizot in reply to the communication which, by your Lordship's instructions, Lord Granville addressed to his Excellency on this subject.

I have, &c.
(Signed) HENRY BULWER.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

Enclosure in No. 38.

M. Guizot to Earl Granville.

Paris, Avril 15, 1841.

M. L'AMBASSADEUR,

VOUS m'avez fait l'honneur de me transmettre copie de divers documens relatifs à la détention du brig Grec "*Le Miltiades,*" dans l'Ile de Cephalonie. Je remercie votre Excellence de cette communication, dont l'objet ne pouvoit manquer de fixer toute mon attention. Le transport des esclaves à bord des bâtimens Français est formellement interdit par l'Ordonnance Royale du 18 Janvier, 1823. Le Gouvernement du Roi n'admet d'exceptions aux prescriptions de cette Ordonnance qu'en faveur des passagers Mussulmens accompagnés d'esclaves qui font partie de leurs maisons et de leurs suites. A cette exception près, il est dans nos intentions que les agens Français restent fidèles à l'esprit et aux dispositions de l'Ordonnance precitée, dans les cas même où ils seraient autorisés à procéder pour le compte d'une puissance qui admettrait d'autres principes.

Dans une matière qui intéresse à un si haut degré la civilisation et l'humanit le Gouvernement de Sa Majesté entend que ses agens ne prennent aucune part, directe ou indirecte, à des actes que la Législation Française interdit aux sujets Français. Telles sont, M. l'Ambassadeur, les vues du Gouvernement du Roi. Les instructions que j'ai transmises aux agens de Sa Majesté m'assurent qu'à l'avenir ils y conformeront leur conduite en toute occasion.

(Signé) GUIZOT.

A son Excellence Earl Granville, G.C.B.,
&c. &c. &c.

(Translation.)

My Lord, *Paris, April* 15, 1841.

Your Excellency did me the honour to transmit to me copies of several documents relative to the detention of the Greek brig "*Miltiades*" at the Island of Cephalonia. I thank your Excellency for that communication, the object of which could not fail to fix my attention. The transport of slaves on board French vessels is formally interdicted by Royal Decree of the 18th January, 1823. The Government of the King admits of no exceptions to what is prescribed by that Decree, except in favour of Mussulman passengers, accompanied by slaves who form part of their households and of their retinues. With this exception alone, it is our intention that French agents continue faithful to the spirit and to the directions of the aforesaid decree, even in cases in which they might be authorised to act on account of a Power admitting other principles.

In a matter which interests in so high a degree the cause of civilization and humanity, His Majesty's Government means that its Agents should take no part whatever, direct or indirect, in acts which the French Legislature forbids to French subjects. Such, M. l'Ambassadeur, are the views of the King's Government. The instructions which I have transmitted to the Agents of His Majesty make me feel assured that in future they will conform to these views on all occasions. (Signed) GUIZOT.

To His Excellency Earl Granville, G.C.B.,
&c. &c. &c.

No. 39.

Viscount Palmerston to Earl Granville.

Foreign Office, May 11, 1841.

Circular as to French Functionaries in Slave-holding Countries.

(See No. 3.)

No. 40.

Viscount Palmerston to Mr. Bulwer.

Sir, *Foreign Office, May* 26, 1841.

Her Majesty's Government have received information upon which reliance can be placed, that a Greek vessel named the "*Miltiades*" left Tunis apparently for Candia on the 25th of December, 1840, furnished with papers signed by M. Nyssen, acting Tuscan and Russian Consul at Tunis, the captain of the French brig "*Palinure*," stationed at Tunis, and M. Gaspari, agent to M. Nyssen, having been cognizant of the delivery of those papers.

Although the wind was favourable when the vessel set sail, the captain caused her to remain in the Gulf of Tunis two days, lying off and on; and on the 27th of the same month the vessel returned to the road of Tunis and anchored there. The passengers complained to M. Gaspari of this proceeding, but without effect. On the 31st of December 14 negroes were brought to the vessel bound hand and foot, and were taken on board; and immediately afterwards, although the wind was contrary, the brig set sail for her ultimate destination. But the vessel having been driven to the Island of Cephalonia, the captain summoned the passengers together, and made them take oath not to give him over to justice for his conduct in respect to carrying these slaves. On the 6th of January one of the passengers, however, having landed in Cephalonia, stated to the authorities of the island the abovementioned facts; and the captain was thereupon desired to pro-

duce his clearance and muster-roll, but he declared that neither M. Nyssen nor M. Gaspari had delivered any such roll to him.

The Cephalonian authorities then proceeded on board the vessel, and found in her 14 negroes in irons: these negroes were landed, and orders were given for further proceedings in the case.

You will communicate these facts to M. Guizot, with reference to the statement which, by my Despatch, Slave Trade, of the 18th of March last, his Excellency Lord Granville was directed to make to that Minister upon the subject.

I am, &c.
(Signed) PALMERSTON.

H. L. Bulwer, Esq.
&c. &c.

No. 41.

Mr. Bulwer to Viscount Palmerston.

Paris, June 18, 1841.
(*Received June* 21.)

My Lord,

With reference to your Lordship's Despatches of the 26th of March and the 26th of May, and mine of the 22nd of April, I now have the honour to forward to your Lordship copy of a further Note which I have received from M. Guizot in answer to one I addressed to his Excellency (in obedience to your Lordship's instructions), reporting the circumstances under which a Greek brig, the "*Miltiades*," with 14 negro slaves on board, had been detained in the Island of Cephalonia.

I have, &c.
(Signed) HENRY LYTTON BULWER.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

Enclosure in No. 41.

M. Guizot to Mr. Bulwer.

Monsieur, *Paris, le* 11 *Juin,* 1841.

Je vous remercie des nouveaux détails que vous m'avez fait l'honneur de m'adresser, le 31 du mois dernier, concernant l'embarquement de treize esclaves nègres à bord du brig Grec le "*Miltiades*" dans le port de Tunis.

Le Consul-Général de France dans cette résidence, auquel j'ai fait part de la communication que j'avais reçue de Lord Granville sur le même sujet, vient de me transmettre des renseignemens des quels il résulte que les reproches allégués contre M. Gaspari, dans cette occasion, n'ont aucun fondement et sont uniquement l'œuvre de la malveillance. Je n'insisterai pas sur ces explications, qui se trouvent reproduites dans un exposé que M. Gaspari, en sa qualité d'agent du Consulat de Sa Majesté Britannique, a adressé à M. le Consul Anglais; elles m'ont paru satisfaisantes, et je pense que votre Gouvernement les jugera également admissibles, en ce qui le concerne.

(Signé) GUIZOT.

M. H. Lytton Bulwer,
&c. &c.

(Translation.)

Sir, *Paris, June* 11, 1841.

I thank you for the new details you did me the honour to address to me on the 31st ultimo respecting the embarkation of 13 negro slaves on board the Greek brig "*Miltiades*," in the port of Tunis.

The Consul-General of France at that port, to whom I imparted the communication which I had received from Lord Granville on the same subject, has just transmitted to me information from which it appears that the complaints alleged against M. Gaspari on that occasion have no foundation, and are solely the work of malevolence. I will not say more about these explanations, which are repro-

duced in a statement addressed by M. Gaspari, in his capacity of Consular Agent of Her Britannic Majesty, to the British Consul: they have appeared to me to be sufficient, and I think your Government will consider them equally admissible, as far as concerns it.

(Signed) GUIZOT.

M. H. L. Bulwer,
&c. &c.

No. 42.

Baron Bourqueney to Viscount Palmerston.

Londres, le 19 *Juin,* 1841.
(*Received June* 21.)

My Lord,

Mon Gouvernement me charge d'appeler l'attention de votre Excellence sur les graves inconvéniens qui résultent pour notre marine marchande de la rigueur avec laquelle la station Anglaise exerce sa surveillance à la côte d'Afrique. Les plaintes énergiques consignées dans la plupart des rapports adressés au Ministère de la Marine par les capitaines de bâtimens de commerce Français qui fréquentent ces parages, ont naturellement éveillé la sollicitude du Gouvernement du Roi, et la protection qu'il doit à ses nationaux lui fait un devoir de signaler au Gouvernement Britannique la conduite des croiseurs Anglais dans ces mers.

Le Sr. Cases, capitaine du brig "*La Fanny,*" récemment arrivé de la côte occidentale d'Afrique, où les mauvais temps l'ont retenu pendant cinq mois, a porté plainte à son retour non seulement contre les officiers subalternes, mais aussi contre le Commodore, qu'il accuse d'avoir, à plusieurs reprises et sous de frivoles prétextes, fait abus de son autorité.

Mon Gouvernement espère, my Lord, que le Gouvernement Britannique lui saura gré d'avoir ainsi provoqué son attention sur des rigueurs qui n'ont pu être commises que contrairement aux instructions données par lui à ses agens, et qu'il voudra bien prendre les mesures nécessaires pour que le droit de surveillance soit à l'avenir exercé par les croiseurs Anglais dans les limites d'une juste modération.

Veuillez agréer, my Lord, l'assurance de ma plus haute considération.

(Signé) BOURQUENEY.

A Son Excellence Lord Palmerston,
&c. &c. &c.

(Translation.)

My Lord,

London, June 19, 1841.

My Government has directed me to call your Excellency's attention to the serious inconveniences which are occasioned to our merchant navy by the rigour with which the English squadron performs its search upon the Coast of Africa. The energetic complaints contained in the majority of the reports addressed to the Department of Marine by the captains of French merchant-vessels frequenting those parts have naturally awakened the solicitude of the King's Government, and the protection it owes to its countrymen makes it a duty to point out to the British Government the conduct of British cruisers in those seas.

M. Casas, captain of the brig "*La Fanny,*" lately arrived from the Western Coast of Africa, where she was detained five months by stress of weather, makes complaint on his return, not only against the subaltern officers, but likewise against the Commodore, whom he accuses of having, on several occasions and under frivolous pretexts, made an abusive use of his authority.

My Government expresses a hope, my Lord, that the Government of Her Britannic Majesty will feel thankful for having its attention thus called to the rigorous excesses which cannot but have been committed contrary to the instructions given by it to its Agents; and that it will be pleased to take the necessary steps in order that the right of search be in future exercised by British cruisers within the limits of a just moderation.

Accept, my Lord, &c.

(Signed) BOURQUENEY.

To His Excellency Lord Palmerston,
&c. &c. &c.

No. 43.

Baron Bourqueney to Viscount Palmerston.

My Lord, *Londres*, 28 *Juin*, 1841.
(*Received July* 2.)

Le 26 Novembre, 1839, Mr. Laplane, médecin et naturaliste Français, s'embarqua à St. Paul de Loanda (côte d'Angola) en qualité de passager à bord du navire Portuguais "*Les Deux Frères.*" Indépendamment des effets nécessaires à son usage personnel, il avoit avec lui plusieurs collections d'objets d'histoire naturelle recueillis en Afrique. Ce bâtiment, qui devoit faire voile pour le Brésil, et dont le chargement, suivant les assertions du Sr. Laplane, confirmées d'ailleurs par plusieurs témoignages judiciaires, étoit légal, fut arrêté le 29 Novembre par le brick de guerre Anglais "*Colombine,*" et expédié pour Sierra Leone avec son capitaine et tout son chargement, sans exception de ce qui appartenoit à Mr. Laplane, qui fut obligé de retourner à Loanda n'emportant avec lui qu'un matelas et du linge.

Mr. Laplane a fait d'abord constater dans cette ville par une enquête judiciaire les pertes qu'il avoit faites, et avec d'autant plus d'exactitude que les objets qui lui avoient été enlevés ne se trouvoient pas, par leur nature, portés sur le manifeste du navire "*Les Deux Frères.*" Ces objets ont été évalués à la somme de 19,318 francs; puis à son arrivée à Rio de Janeiro il s'est empressé de déposer à la légation Faançaise la plainte qu'il se croit en droit d'élever contre le commandant du navire Anglais "*Colombine,*" et la demande en réparation du préjudice qui lui a été causé.

Mon Gouvernement me charge, my Lord, d'appeler l'attention de votre Excellence sur cette réclamation, et il espère qu'après avoir pris connoissance de toutes les circonstances de l'affaire, et vérifié lui-même l'exactitude des faits présentés par Mr. Laplane, le Gouvernement Anglais voudra bien lui accorder une indemnité proportionnée aux pertes qu'il a souffertes.

J'ai l'honneur d'envoyer ci-joint à votre Excellence la traduction Française de l'enquête judiciaire faite à Loanda.

Veuillez agréer, my Lord, l'assurance de ma plus haute considération.

(Signé) BOURQUENEY.

A Son Excellence Lord Palmerston,
&c. &c. &c.

(Translation.)

My Lord, *London, June* 28, 1841.

On the 26th November, 1839, M. Laplane, a French physician and naturalist, embarked at St. Paul de Loanda (coast of Angola) as passenger on board the Portuguese vessel "*Les Deux Frères.*" Besides the things necessary for his personal use, he had with him several collections of objects of natural history, made in Africa. This vessel, which was to have gone to Brazil, and whose cargo, according to the assertion of M. Laplane, confirmed by several judicial witnesses, was lawful, was seized on the 29th November by the English brig-of-war "Columbine," and despatched to Sierra Leone with her captain, and all she had on board, not excepting what belonged to M. Laplane, who was obliged to return to Loanda with nothing but a mattress and some linen.

M. Laplane immediately verified in that city, by means of a judicial deposition, the losses he had sustained, and he did this with the greater exactitude, because the things which had been taken away from him were of such a nature that they were not mentioned in the manifest of "*Les Deux Frères.*" Those things were valued at 19,318 francs; afterwards, on his arrival at Rio de Janeiro, he hastened to lodge at the French Legation the complaint he considered himself entitled to make against the commander of the English vessel-of-war "Columbine," and the demand for reparation for the injury he has sustained.

My Government directs me, my Lord, to call your Excellency's attention to this demand; and it expresses a hope that the British Government, after having considered all the circumstances of the affair, and ascertained for itself the correctness of the facts stated by M. Laplane, will be pleased to grant him an indemnity proportioned to his losses.

I have the honour to send herewith to your Excellency the French Translation of the judicial investigation made at Loanda.

Accept, &c.

To His Excellency Lord Palmerston, (Signed) BOURQUENEY.
&c. &c. &c.

First Enclosure in No. 43.

(Traduction.)

Monsieur le Juge de Droit de la Ville de Loanda, Mello Pereira.

MONSIEUR,

VOUS expose Louis Napoléon Laplane, Français, docteur en médecine, qu'il a besoin, pour établir ses droits et recours, que le greffier de votre tribunal, ou qui il appartiendra en sa place, lui délivre expédition du protêt auquel a donné lieu l'arrestation du brick Portuguais les "*Deux Frères*," lequel protêt doit se trouver dans les dossiers de ce greffe; et comme l'extrait ne peut s'en faire que par votre ordre, il vous supplie de vouloir bien accéder à sa demande.

Soit fait ainsi qu'il est requis, à moins d'opposition.

(Signé) MELLO PEREIRA.

Loanda, trente Janvier, mil huit cent quarante.

JE soussigné, Joaquim Correia da Conceicao, greffier nommé et assermenté (en empêchement du titulaire) du Juge de Droit en cette ville de Loanda, province d'Angola, &c., certifie qu'en conformité de l'ordonnance d'autre part, ayant procédé à revoir les registres des actes reçus en ce greffe, dont le requérant fait mention, à la feuille trois, ai trouvé une ordonnance du Gouverneur-Général de la province, renvoyant au délégué du Procureur de la Couronne un protêt fait par le pilote et contremaître du brick les "*Deux Frères*," ainsi que par un passager du même navire: duquel protêt la teneur est comme suit: " Monsieur le Gouverneur,—Les soussignés, Joaquim Antonio Franco, Manuel Pereira Borges, le premier pilote, l'autre contremaître du brick les '*Deux Frères*,' et Louis Napoléon Laplane, docteur en médecine et passager sur le dit navire, ont l'honneur de vous exposer, qu'étant sortis du port de cette ville à bord du dit navire, portant chargement légal de cire, huile, &c., le vingt-six du courant, le jour suivant, vingt-sept Novembre, ils rencontrèrent le brick de guerre Anglais 'Columbine,' Commandant Elliot, par lequel ils furent visités. Il était alors midi et demi, le navire se trouvant par huit dégrés vingt-cinq minutes latitude sud, et douze dégrés cinquante minutes longitude est de Greenwich. Le Commandant Anglais, un officier, un aspirant, et quelques matelots, montant à notre bord, se misent à ouvrir les écoutilles, désarrimèrent le chargement, forcirent les caissons de la chambre, ainsique tous volumes fermés, percirent plusieurs pipes et barils d'huile, et fouillèrent tout le sable du lest: actions accompagnées de violences injurieuses propres à faire craindre que le navire visiteur ne fut un pirate plutot qu'un bâtiment appartenant à la marine de Sa Majesté Britannique. Ils brisèrent ensuite la malle du Capitaine, et en tirèrent tous ses papiers, dont ils déchirèrent la majeure partie, et gardèrent le reste, entr'autres le manifeste de la douane. Le Commandant ayant envoyé à bord de son brick 'Columbine' le pilote et le passager Laplane, ils permirent au pilote de prendre avec lui ses effets, mais seulement après les avoir étendus ça et là sur le pont, ainsi que ceux des matelots, qui furent également conduits à bord du brick de guerre. Ce qui eut lieu vers les cinq heures. Et ainsi tout l'équipage s'y trouva transporté et détenu, moins le Capitaine et un matelot, qui durent aller avec le navire à Sierra Leone, le Commandant Anglais ayant toujours empêché que le Capitaine communiquât avec qui que ce fut de son navire. Ils transbordèrent sur le brick de guerre deux veaux embarqués avec les provisions pour le voyage, et une terrine de cire, mais qu'ils renvoyèrent après en avoir fait l'examen. Enfin dix hommes du brick de guerre furent mis comme équipage sur le navire capturé pour le conduire, dirent les Anglais, à Sierra Leone, et alors les deux bâtimens se séparèrent. Le 'Columbine' courut vers le nord, et mouilla en vue de terre à la Pointe de Dandé, vers les onze heures du soir. Peu-après vint auprès de nous la goëlette Portuguaise '*Despique da Inveja*,' de Francisco Franco, qui mouille aussi, et resta là jusqu'au lendemain, 28; et ce même jour 28, dès le matin, nous fumes remis à bord de la dite goëlette avec ce que nous fumes avoir de notre bagage. Au moment de quitter le 'Columbine,' le Commandant nous dit qu'il avait arrêté le brick les '*Deux Frères*' parce qu'il était de construction Espagnole. Tant que nous fumes à bord du 'Columbine,' il ne nous donna pour aliment que du biscuit pourri; et il nous recommanda lors du depart de prévenir le Gouverneur de la province qu'il était résolu à arrêter tous les navires Portugais qui sortiraient du port de cette ville; qu'on pouvait envoyer contre lui la corvette (Urania) et d'autres encore, si on voulait; que peu lui

importait, et qu'il était decidé à faire souffrir les avanies qui dépendraient de lui à la nation Portugaise, jusqu'au moment où Sa Majesté Très-Fidèle consentirait à signer le Traité proposé. Il est triste pour des Portugais d'avoir à raconter des faits semblables, et ils ne peuvent que ressentir une juste indignation en se voyant ainsi traités par des étrangers qui répondent si mal aux sentimens sympathiques de ces mêmes Portugais envers les autres nations. Les soussignés ne sauraient pourtant garder le silence sur des événemens dont eux-mêmes, ou leurs compatriotes, à leur connaissance, ont été victimes; et ils doivent en conséquence vous dire aussi, Monsieur le Gouverneur, que ce même Commandant Anglais leur a déclaré qu'il avait arrêté le trois-mats le "*Veloz*," également sorti de ce port, et qu'il l'avait de même envoyé à Sierra Leone. Ils prient votre Excellence de ne voir ici chez les soussignés que de la sincérité sans intention haineuse, malgré les pertes et les injures de tout genre qu'ils ont eu à souffrir de la part du Commandant Anglais; traitement que la nation Portugaise a si peu mérité et provoqué; le présent rapport devant au reste être considéré comme un protêt légal qu'ils adressent à votre Excellence pour qu'il soit transmis à l'autorité compétente, qui le revêtira de toutes les formalités que veut la loi pour établir leurs droits et recours.

Ils ont l'honneur d'être de votre Excellence les très humbles et respectueux Serviteurs,

(Signés) JOAQUIM ANTONIO FRANCO,
Pilote.
MANOEL PEREIRA BORGES,
Contremaître (lequel ne sachant signer, a fait sa croix).
LAPLANE,
Docteur en Médecine, passager.

Loanda, trente Novembre, mil huit cent trente-neuf.

Prestation de Serment—Affirmation du Protêt.

Le trente Novembre, mil huit cent trente-neuf, en cette ville de Loanda, province d'Angola, en la résidence du Juge Ordinaire, Docteur Estevao da Fonseca Negrao, servant par intérim de Juge de Droit de première instance de cette province, étant présent le délégué du Procureur de la Couronne, ont comparu Joaquim Antonio Franco, pilote du brick "*Les Deux Frères*," le contremaître du dit navire Manoel Pereira Borges, et Louis Napoléon Laplane, Français, docteur en médecine, passager sur le dit navire, tous bien connus de moi, et dont l'identité est par moi attestée; et ils ont déclaré au même Juge qu'ils venaient affirmer le protêt adressé par eux à Monsieur le Gouverneur de cette province (lequel Protêt se trouve au dossier, folio quatre), ainsi que les faits qui y sont relatés: auxquelles fins le Juge les ayant admis à prêter le serment voulu, de manière à ce que, sous la foi de ce serment, ils eussent à dire sans dol ni arrière-pensée calomnieuse si dans le Protêt susmentionné ils n'avaient été que véridiques et sincères, et s'ils le seraient dans l'affirmation qu'ils venaient en faire par devant lui. Ayant les susdits prêté serment dans les formes d'usage, ils ont déclaré que leur dit Protêt ne contenait que vérité, et qu'ils l'affirmaient sans dol ni arrière-pensée de mauvaise foi.—De quoi le Juge a ordonné qu'acte fut dressé: auquel acte ils ont signé.

(Signés) JOSE DE ARAUJO DOS REIS PEREIRA, Greffier.
NEGRAO.
TORRES.
JOAQUIM ANTONIO FRANCO.
LAPLANE.
MANOEL PEREIRA BORGES (ne sachant écrire, a fait sa croix).

Rien de plus n'était contenu aux actes que dessus, Protêt et Affirmation du Protêt; et au folio quatorze verso, venait le jugement, dont la teneur suit: Je tiens et déclare pour suffisamment établis et prouvés les faits exposés en la requête, folio deux, et leur donne l'autorité de chose jugée, le présent jugement ayant toute la solemnité que lui impriment le caracterè dont je suis revêtu et les fonctions que j'exerce. Le Greffier en délivrera toutes expéditions sur requête à tous intéressés.

(Signé) ESTEVAO DA FONSECA NEGRAO.

Loanda, premier Décembre, mil huit cent trente-neuf.

Et rien de plus n'était contenu aux actes que dessus, Protêt, Affirmation du Protêt, et Jugement, dont j'ai fait la présente expédition sur les originaux, auxquels je me réfère, et que j'ai fidèlement extraits sans altération ni dissemblance aucune, le tout ayant été revu avec soin et collationné par moi en cette ville de S. Paul de l'Assomption de Loanda, province d'Angola, le quatre Février, mil huit cent quarante. En foi de tout quoi j'ai signé.

(Signé) JOAQUIM CORREA DA CONCEICAO.

Loanda, les jour, mois, et an susdits.

Nous soussignés attestons avec serment la signature ci-dessus de Joaquim Correa da Conceicao, comme véritable et légitime.

(Signé) AUGUSTO MILLIED HARAULT.

Rio de Janeiro, quatre Avril, mil huit cent quarante.

Les signatures ci-dessus certifiées véritables.

(Signé) JOSE PIRES GARCIA, *Notaire.*

Rio de Janeiro, quatre Avril, mil huit cent quarante.

Et plus bas il y avait en langue Française la signature ci-dessus de M. José Pires Garcia, notaire public en cette ville de Rio de Janeiro, certifiée véritable par nous, Vice-Consul, Chancelier de la Légation de France au Brésil.

Le Chancelier de la Légation de France,

(Signé) Th. TAUNAY.

Rio de Janeiro, quatre Avril, mil huit cent quarante.

Pour traduction et extrait conformes collationnés sur la pièce originale qui nous a été représentée par le Sr. Louis Napoléon Laplane, le tout fait à sa requête.

Le Chancelier de la Légation de France,

(Signé) Th. TAUNAY.

Rio de Janeiro, six Avril, mil huit cent quarante.

Pour extrait conforme.

Le Chancelier de la Légation de France,

(Signé) Th. TAUNAY.

Rio de Janeiro, six Avril, mil huit cent quarante.

Délivré à la requête de Louis Napoléon Laplane.

(Translation.) M. Laplane's Case.

Application.

To the Juiz de Direito of the City of Loanda, Senhor Mello Pereira.

SIR,

LOUIS NAPOLEON LAPLANE, a French subject, and doctor of medicine, declares that he requires, in order to secure his claims and means of redress, that the greffier of your tribunal, or whomsoever else it pertains to, furnish him with an extract from the Protest against the seizure of the Portuguese Brig "*Dois Hermaos*," which Protest ought to be among the archives of the said greffier; and as such extract cannot be made without your order, I pray you to accede to this demand.

Answer.

Let what is required be done, if there be no objection thereto.

(Signed) MELLO PEREIRA.

Loanda, January 30, 1840.

The Undersigned, Joaquim Correia da Conceicao, appointed and sworn clerk (pending the absence of the person holding that appointment) of the Juiz de Direito in this city of Loanda, in the province of Angola, &c., certifies that, in conformity with the above decree, having proceeded to examine the register of acts deposited in this office, of which the demandant makes mention, he found, at page 3, a decree of the Governor-General of the province, returning to the Deputy Advocate-General of the crown a protest entered by the mate and boatswain of the brig "*Dois Irmaos*," and by a passenger in the said vessel, of which protest the tenor is as follows:—

"Mr. Governor,—The undersigned, Joaquim Antonio Franco, Manuel Pereira Borges, the former mate and the latter boatswain of the brig '*Dois Irmaos*,' and Louis Napoléon Laplane, doctor of physic, and passenger on board the said vessel, have the honour to state that, having sailed from the port of this city on board the said vessel, with a lawful cargo of wax, oil, &c., on the 26th inst.,

on the following day, the 27th November, they fell in with the English brig-of-war 'Columbine,' Commander Elliott, by whom they were visited. It was then half-past 12 at noon, the vessel being in latitude 8° 25′ S., and longitude 12° 50′ E. of Greenwich. The English commander, an officer, a midshipman, and some sailors, coming on board, began to open the hatches, displaced the cargo, forced open the lockers in the cabin, as well as all closed boxes, pierced several pipes and barrels of oil, and rummaged over all the sand ballast; these acts being accompanied with violent abuse, such as to occasion the fear that the visiting vessel was a pirate rather than a vessel belonging to the navy of Her Britannic Majesty. They next broke open the captain's chest, and took from it all his papers, of which they tore the greater part, and kept the rest, among others the manifest of the customhouse. The commander having sent on board his brig, the 'Columbine,' the mate and the passenger Laplane, permitted the mate to carry his effects with him after having scattered them about the deck, as also those of the sailors, who were likewise carried on board the brig-of-war. This happened about five o'clock. And thus the whole crew was carried off and detained, except the captain and one sailor, who were to go with the vessel to Sierra Leone, the English commander having all the while prevented the captain from communicating with anybody belonging to his vessel. They carried on board the brig-of-war two calves which were embarked with the provisions for the voyage, and a pan of wax, which, however, they sent back again, after having examined it.

"Finally, 10 men from the brig of war were placed as crew on board the captured vessel to navigate her, as they said, to Sierra Leone, and then the two vessels separated. The 'Columbine' ran northward and anchored in sight of land off the Point of Dandé, about 11 at night. Shortly afterwards the Portuguese schooner '*Despique da Inveja*,' belonging to Francisco Franco, made towards us, which also anchored and remained until the following day, the 28th; and on that same day, the 28th, early in the morning, we were put on board the said schooner with what luggage we had. At the moment of our leaving the 'Columbine' the commander told us he had detained the brig '*Dois Irmãos*' because she was Spanish built. While we were on board the 'Columbine' he gave us nothing to eat but rotten biscuit; and he desired us, previously to our departure, to warn the Governor of the province that he was resolved to detain all Portuguese vessels that should leave the port of this city; that they might send out against him the corvette (Urania) and others if they pleased; that it mattered little to him, and that he was determined to make the Portuguese nation suffer as much as he could, until Her Most Faithful Majesty should consent to sign the proposed Treaty. It is painful for Portuguese subjects to relate such facts, and they cannot but feel a just indignation at being thus treated by foreigners who make so bad a return for the sympathy of these same Portuguese towards other nations. The deponents could not, however, remain silent regarding events of which they themselves, or their countrymen, to their knowledge, have become the victims; and they must, in consequence, state to you, Mr. Governor, that this same English commander declared to them that he had detained the ship '*Veloz*,' which also sailed from this port, and had sent her likewise to Sierra Leone. They pray your Excellency to believe that their sincerity is unmixed with any malevolent intention, notwithstanding the losses and injuries of all kinds which they have sustained through the English commander: a treatment which the Portuguese nation has so little merited or provoked; the present report being otherwise considered as a legal protest, which they address to your Excellency in order to its being transmitted to the competent authority, to be invested with all the formalities required by law for the establishment of their rights and resources. They have the honour to subscribe themselves your Excellency's most humble and respectful servants,

(Signed) "JOAQUIM ANTONIO FRANCO, Mate.
MANOEL PEREIRA BORGES, Boatswain,
(who, not knowing how to write, makes his ✕.)
LAPLANE, M.D., passenger.

"Loanda, 30th November, 1839."

[Here follow certificates as to the administration of the oaths, the affirmation of the protest, decree, and attestation.]

Second Enclosure in No. 43.

(Traduction.)

Extrait des Actes relatifs à la plainte portée par Louis Napoléon Laplane.

Est fait savoir à tous ceux qui verront lès présentes que l'an de notre Seigneur Jesus Christ mil huit cent trente-neuf, le quatorze Décembre, en cette ville de St. Paul de l'Assomption de Loanda, province d'Angola, a comparu par devant moi Louis Napoléon Laplane, de moi bien connu, lequel m'a requis de lui délivrer copie authentique des actes relatifs à la plainte qu'il a portée, justification par témoins, et jugement qui s'en est suivi: le tout aux fins que de droit; et en conséquence, je soussigné, conformément à la dite requête, ai fait la présente copie, sous forme exécutoire, des dits actes, dont la teneur est comme suit:—

" *Angola, année mil huit cent trente-neuf. Tribunal de Première Instance. Plainte portée par Louis Napoléon Laplane.—Greffier, Araujo.*

" L'an de notre Seigneur Jesus Christ mil huit cent trente-neuf, le septième jour du mois de Décembre, en cette ville de Loanda, province d'Angola, m'a été remise une plainte en soustraction de valeurs, avec note explicative de ces mêmes valeurs, par Louis Napoléon Laplane, demandant à établir par témoins les faits avancés en la dite plainte: lesquelles pièces, dont la teneur suit, j'ai jointes au dossier.

(Signé) " Jose de Araujo dos Reis Pereira, *Greffier.*"

Requête à M. le Juge Ordinaire, servant par intérim de Juge de Droit.

Monsieur,

Vous expose Louis Napoléon Laplane, Français, docteur en médecine, que pour se mettre en mesure de reclamer les indemnités et dommages intérêts à lui dûs pour les pertes que lui a fait souffrir le commandant du brick de guerre Anglais "Columbine." Il a besoin de prouver par devant vous et le délégué ce qui suit: à savoir—que s'étant embarqué sur le brick Portugais les " *Deux Frères,*" sorti du port de cette ville le vingt-six Novembre avec destination pour Rio de Janeiro, ayant à bord un chargement légal, le plaignant emportait avec lui les objets spécifiés sur la note jointe au présent, montant à la valeur de trois contos cent cinq mille reis: laquelle somme réduite en francs fait dix-neuf mille quatre cent six francs; que les dits objets ont été vus et reçus à bord par le pilote du dit brick; que d'ailleurs plusieurs personnes qui venaient chez le plaignant l'ont trouvé souvent employant son tems et ses soins à des préparations d'objets analogues d'histoire naturelle, et qu'il avait tout perdu, n'ayant avec lui lorsqu'il débarqua en cette ville le vingt-neuf Novembre qu'un matelas et son linge, attendu que le navire sur lequel il s'était embarqué avait été arrêté par le dit commandant Anglais et envoyé à Sierra Leone avec tout le chargement à bord; demandant qu'après qu'il aura dûment justifié du tout, vous veuilliez bien rendre un jugement en conséquence, et ordonner qu'on lui délivre tous les documens et tîtres utiles pour faire valoir ses recours contre qui il appartiendra en tems et lieu: auxquelles fins il vous supplie de l'admettre à fournir la dite preuve après citation du délégué.

Témoins à faire comparaître.

(Signés) JOAQUIM ANTONIO FRANCO.
MANOEL DA ROCHA PORTO.
AGOSTINHO AURELIO DE OLIVEIRA.
JOSE DE NASCIMENTO PEREIRA.
JOAO ANTONIO DE CARMO.

Soit fait ainsi qu'il est requis.

(Signé) NEGRAO.

Loanda, quatre Décembre, mil huit cent trente-neuf.

Note indiquant la quantité et qualité des valeurs sous traites, prix du court des objets en reis, réduction en francs:—Mon passage pour Rio de Janeiro, cent mille reis; fret des objets embarqués par moi en sus de mes malles, quatre vingt mille reis; une montre de qualité supérieur, Française, avec une chaine d'or, cinq cent mille reis; un bouton de chemise, en brillant, trente mille reis; un nécessaire pour homme, vingt mille reis; une natte de l'Inde, huit mille; un bonnet de

drap noir, deux mille; un manteau en bouracan, demi-usé, trois mille; un crocodile empaillé, quarante mille; quatre cages avec divers oiseaux d'Afrique vivants, quarante mille; divers objets d'histoire naturelle et curiosités du pays, trois cent mille; huit boîtes de conserves d'apert, lesquelles ont été enfoncées à coups de marteau, vingt mille; douze mille sangsues bien conditionnés pour le vovage, un conto deux cent mille reis; dommages-intérêts, perte de tems, &c., sept cent cinquante mille reis. Total, trois contos quatre vingt onze mille reis; réduction en francs, dix-neuf mille trois cent dix-huit.

(Signé) LAPLANE.

José de Araujo dos Reis Pereira, greffier du Juge de Droit en cette ville de Loanda, province d'Angola, certifie avoir cité personnellement le délégué du Procureur de la Couronne, Docteur Pedro Torres Ribeiro, conformément à la teneur de la requête ci-dessus en ordonnance, lequel s'est reconnu pour cité, et a signé avec moi.

(Signés) PEDRO DE TORRES RIBEIRO.
JOSE DE ARAUJO DOS REIS PEREIRA.

Loanda, neuf Décembre, mil huit cent trente-neuf.

Le neuf Décembre, mil huit cent trente-neuf, en ce Greffe, j'ai joint au dossier les actes ci-dessous de citation des témoins nommés dans la requête de Laplane.

(Signé) JOSE DE ARAUJO DOS REIS PEREIRA.

Ordonnance.—Je soussigné, Docteur Estevao da Fonseca Negrao, juge ordinaire remplissant les fonctions de juge de droit de première instance de cette province d'Angola et dépendances, ordonne au greffier de ce tribunal de citer les témoins dont la liste est ici incluse, afin qu'ils vient à comparaître demain à dix heures du matin, sous les peines voulues par la loi.

(Signé) NEGRAO.

Loanda, neuf Décembre, mil huit cent trente-neuf.—Ecrit par le Greffier, José de Araujo dos Reis Pereira.

Je soussigné, greffier, certifie qu'en conformité de l'ordonnance du Juge j'ai cité les témoins ci-dessus nommés. Dont acte signé par eux et moi,

(Signé) JOSE DE ARAUJO DOS REIS PEREIRA.
JOAO ANTONIO DO CARMO.
MANOEL DA ROCHA PORTO.

Le dix Décembre, mil huit cent trente-neuf, en cette ville de Loanda, province d'Angola, en la résidence du juge ordinaire, Docteur Estevao da Fonseca Negrao, faisant les fonctions de juge de droit, étant présent le délégué du Procureur de la Couronne, ont comparu les témoins par moi assignés, auxquels le juge a demandé leurs noms, nationalité, age, occupations, &c., comme d'usage.

JOSE DE ARAUJO DOS REIS PEREIRA,
Servant de Greffier.

Premier Témoin.—Joaquim Antonio Franco, né à Lisbonne, agé de cinquante-cinq ans, marié, pilote du brick "*Les Deux Frères,*" arrêté par un navire de guerre Anglais, ayant prêté le serment requis et affirmé qu'il ne répondrait que la vérité aux questions qui lui seraient adressées, interpellé quant à ce qui pouvait être à sa connaissance des faits résultant de la plainte de Laplane (Louis Napoléon), de laquelle plainte lecture lui a été donnée, a déclaré que, comme pilote du brick "*Les Deux Frères,*" il savait pour l'avoir vu et avoir été présent lors de l'embarquement du plaignant, qu'il avait emporté à bord avec lui les objéts spécifiés sur la note qu'on venait de lui lire, et que le même Laplane avait payé cent quatre vingt mille reis pour passage et fret; mais que relativement à la valeur des dits objets, il ne pouvait l'apprécier, faute de connaissances en pareille matière; et n'a rien déclaré de plus. Sur le second point, il a dit que les objets susmentionnés avaient été effectivement reçus à bord du brick, que lui et diverses personnes du bord les y avaient vus, et que, après l'arrestation du bâtiment par le commandant du brick de guerre Anglais "*Columbine,*" ce dernier avait expédié le dit bâtiment pour Sierra Leone, avec tout le chargement, y compris les objets appartenant au plaignant, qui n'en avait retiré que son linge et son matelas, le dit brick "*Les Deux Frères*" étant sorti du port de cette ville le vingt-six Novembre, mil huit cent

trente-neuf, avec un chargement légal. Et n'a rien de plus déclaré. Il a signé immédiatement avec le juge et le délégué, après lecture faite.

(Signé) JOSE DE ARAUJO DOS REIS PEREIRA, *Greffier.*
NEGRAO.
TORRES.
JOAQUIM ANTONIO FRANCO.

Deuxième Témoin.—José do Nascimento Pereira, né en cette ville, agé de quarante et un ans, célibataire, propriétaire ; après avoir prêté le serment d'usage et affirmé qu'il ne répondrait que la vérité aux questions qui lui seraient adressées, interpellé quant aux faits avancés par Louis Napoléon Laplane, plainte folio deux du dossier, lecture lui en ayant été donnée, sur le premier point a dit, qu'il savait que le plaignant, avec lequel il avait eu précédemment de fréquentes relations, s'était embarqué sur le brick "*Les Deux Frères*" en destination pour Rio de Janeiro, et parti le vingt-six Novembre dernier, avec chargement légal, et que le dit Laplane avait emporté avec lui divers objets d'histoire naturelle, tels qu'ils étaient énuméres sur la note qu'il venait d'entendre lire, lesquels objets il avait vus, le dit Laplane ayant été son locataire ; et n'a rien déposé de plus. Interpellé quant au second point, il a répondu qu'il savait pour l'avoir entendu dire au pilote et au passager Teixeiro, que le brick "*Les Deux Frères*" avait été arrêté par le brick de guerre Anglais "Columbine," qui l'avait expédié pour Sierra Leone, avec le capitaine et un mousse, ayant à bord tout son chargement y compris les objets appartenant au plaignant ; pouvant du reste affirmer que le dit Laplane à son retour n'avait plus qu'un matelas et son linge, ne rapportant rien des divers objets qu'il avait embarqués et que le témoin avait vus. Il n'a rien déclaré de plus, et a signé avec le juge et le délégué, après lecture faite.

(Signés) JOSE DE ARAUJO DOS REIS PEREIRA.
NEGRAO.
TORRES.
JOSE DO NASCIMENTO PEREIRA.

Troisième Témoin.—Joao Antonio do Carmo, né à Lisbonne, agé de quarante-quatre ans, célibataire, maître d'hôtel du brick "*Les Deux Frères,*" ayant prêté le serment requis, interpellé quant aux faits exposés par Louis Napoléon Laplane, a répondu qu'étant, lui, maître d'hôtel à bord du brick "*Les Deux Frères,*" il a attesté à l'embarquement du plaignant Louis Napoléon Laplane, qui emportait avec lui les objets relatés sur la note qu'on venait de lui lire, le dit brick "*Les Deux Frerès*" étant sorti de ce port le vingt-six Novembre dernier, avec chargement légal, pour Rio de Janeiro, et que les susdits objets avaient été vus par tout le monde à bord du dit navire. Il n'a rien déclaré de plus. Quant au second point, il a dit qu'il était présent quand les objéts dont il était question avaient été reçus à bord et remis au pilote, et que le navire ayant été pris et envoyé à Sierra Leone, avec tout son chargement, les mêmes objets s'y étaient trouvés compris, le plaignant n'ayant rien retiré que son linge et un matelas. Il n'a rien déposé de plus, et a signé, ainsi que le juge et le délégué, après lecture faite.

(Signés) JOSE DE ARAUJO DOS REIS PEREIRA.
NEGRAO.
TORRES.
JOAO ANTONIO DO CARMO.

Quatrième Témoin.—Manoel da Rocha Porto, né à Porto, agé de trente-trois ans, célibataire, commerçant, ayant prêté le serment requis, interpellé quant aux faits allégués par Louis Napoléon Laplane, il a répondu, sur le premier point, qu'il savait que Laplane avait embarqué à bord du brick les "*Deux Frères*" divers objets que lui, témoin, avait vus comme étant aussi passager du navire, mais qu'il n'avait pu les observer en détail ; que le brick les "*Deux Frères*" était sorti de ce port le vingt-six Novembre, avec chargement légal, et que le plaignant y était ainsi que lui, témoin, comme passager. Relativement au second point, il savait pour l'avoir vu et y avoir assisté, que le dit brick les "*Deux Frères*" ayant été arrêté par le brick de guerre Anglais "Columbine," le commandant Anglais l'avait expédié pour Sierra Leone avec le capitaine et un mousse, ayant à bord tout le chargement, y compris les objets précieux et curiosités naturelles que le plaignant emportait avec lui, rien ne lui

ayant été remi qu'un matelas et son linge. Et n'ayant rien de plus à déclarer, il a signé avec le juge et le délégué, lecture faite.

(Signés) JOSE DE ARAUJO DOS REIS PEREIRA.
NEGRAO.
TORRES.
MANOEL DA ROCHA PORTO.

Cinquième Témoin.—Agostinho Aurelio de Oliveira, originaire de cette ville, agé de trente-deux ans, marié, lieutenant de cavallerie de la province, après avoir prêté le serment voulu, interrogé sur les faits allégués par Louis Napoléon Laplane en sa plainte dont lecture a été donnée au témoin, a répondu quant au premier point, que pour l'avoir vu et avoir assisté à l'embarquement (que) je dis et avoir assisté à l'embarquement, il savait que le plaignant avait pris passage sur le brick les " *Deux Frères,*" sorti le vingt-six Novembre, avec chargement légal, et avait emporté avec lui divers objets d'histoire naturelle du pays, conformément à la note qu'il venait d'entendre lire, le plaignant lui ayant montré les dits objets en conséquence de la liaison qui existait entre eux. Quant au second point, il a déposé qu'il savait pour l'avoir entendu dire au pilote et au passager Rocha, que le dit brick les " *Deux Frères*" avait été arrêté par le commandant du brick de guerre Anglais " Columbine," et expédié pour Sierra Leone avec le capitaine et un mousse, ayant à bord tout le chargement, y compris les objets appartenant à Laplane, lequel revenant à la ville d'où il était parti, n'y avait rapporti que ce qui résultait de ses déclarations, ainsi que le tout était notoire. Et n'ayant rien à ajouter, il a signé avec le juge et le délégué, après lecture faite.

(Signés) JOSE DE ARAUJO DOS REIS PEREIRA.
NEGRAO.
TORRES.
AGOSTINHO AURELIO DE OLIVEIRA.

L'audition des témoins terminée, le Juge ayant considéré la vérification comme suffisante, j'ai pris acte du tout, ayant ainsi clos l'interrogatoire par devant le Juge Ordinaire, Docteur Estevao da Fonseca Negrao, faisant les fonctions de Juge de Droit. Dix Décembre, mil huit cent trente-neuf.

(Signé) JOSE DE ARAUJO DOS REIS PEREIRA.

JUGEMENT.

Je tiens et déclare pour suffisante la vérification et preuve des faits allégués en la demande au dossier, folio deux, et sur le vu des actes; et leur donne en conséquence l'autorité de chose jugée, le présent jugement ayant toute la solemnité que lui impriment le caractère dont je suis revêtu et les fonctions en vertu desquelles je le prononce. Le greffier de ce tribunal en délivrera expédition à la partie si elle le reclame, sauf les droits à payer.

(Signé) ESTEVAO DA FONSECA NEGRAO.

Loanda, douze Décembre, mil huit cent trente-neuf.

Le douze Décembre, mil huit cent trente-neuf, en cette ville de Loanda, province d'Angola, en audience publique, par devant le Juge Ordinaire, Docteur Estevao da Fonseca Negrao, remplissant les fonctions de Juge de Droit de cette province, assisté du délégué du Procureur de la Couronne et avec toute la publicité requise, a été affiché le jugement ci-dessus. Dont acte.

(Signé) JOSE DE ARAUJO DOS REIS PEREIRA.

Loanda, province d'Angola.—Je certifie avoir notifié le jugement ci-dessus à la partie, laquelle l'a reconnu en signant ici avec moi, ce jour treize Décembre, mil huit cent trente-neuf.

(Signés) JOSE DE ARAUJO DOS REIS PEREIRA.
LAPLANE.

Et rien de plus n'était contenu aux actes que j'ai fidèlement extraits, et auxquels je me réfère, déclarant le tout exact, conforme aux originaux en authentique, comme ayant été par moi écrit et signé après collation, les mêmes jour, mois, et an que dessus.

(Signé) JOSE DE ARAUJO DOS REIS PEREIRA.

Nous soussignés certifions avec serment la signature ci-dessus du Sr. José de Araujo dos Reis Pereira, comme véritable et légitime.

(Signé) AUGUSTO MELLIER SERVANT.

Rio de Janeiro, quatre Avril, mil huit cent quarante.

Les signatures ci-dessus certifiées véritables.

(Signé) JOSE PIRES GARCIA, Notaire.

Rio de Janeiro, quatre Avril, mil huit cent quarante.

Et plus bas il y avait en langue Française: La signature ci-dessus de M. José Pires Garcia, notaire public en cette ville de Rio de Janeiro, certifiée véritable et légalisée par nous, Vice-consul, Chancelier de la Légation de France au Brésil. Le Chancelier de la Légation de France,

(Signé) TH. TAUNAY.

Rio de Janeiro, quatre Avril, mil huit cent quarante.

Pour traduction et extrait conformes, collationnés sur la pièce originale représentés par le Sr. Louis Napoléon Laplane, Rio de Janeiro, six Avril, mil huit cent quarante, le tout sur sa requête.

Le Chancelier de la Légation de France,

(Signé) TH. TAUNAY.

Rio de Janeiro, six Avril, mil huit cent quarante.

Pour extrait conforme, Rio de Janeiro, six Avril, mil huit cent quarante.

Le Chancelier de la Légation de France,

(Signé) TH. TAUNAY.

Délivré à la requête de Louis Napoléon Laplane.

(Translation.)

Extract from the Proceedings relative to the Complaint made by Louis Napoléon Laplane.

BE it known to all whom it may concern, that in the year of our Lord Jesus Christ 1839, on the 14th day of December, in this city of St. Pablo de Loanda, in the province of Angola, appeared before me Louis Napoléon Laplane, whose person is well known to me, and who demanded of me an authentic copy of the proceedings relative to the complaint he made, its attestation by witnesses, and subsequent decree, all for the proper purposes; and in consequence the undersigned, conformably with the said request, has made the present copy, in proper form, of the aforesaid proceedings, the tenor of which is as follows:—

Angola, 1839. *Tribunal de Première Instance. Complaint made by Louis Napoléon Laplane. Araujo, Greffier.*

In the year of our Lord Jesus Christ 1839, the 7th day of September, in this town of Loanda, province of Angola, there has been remitted to me a complaint of a robbery of goods, with a note explanatory of the goods, by Louis Napoléon Laplane, demanding permission to establish by witnesses the facts asserted in the complaint, which documents, of which the following is the tenor, I have annexed to the other papers.

(Signed) JOSE DE ARAUJO DOS REIS PEREIRA,
Greffier.

Petition to the "Juge Ordinaire," acting as "Juge de Droit."

SIR,

Louis Napoléon Laplane, a Frenchman, M.D., states to you that, in order to enable himself to reclaim the indemnities and damages due to him for the losses caused to him by the commander of the English ship of war "Columbine," he need to prove before you and the "délégué" as follows, viz., that having embarked on board the Portuguese brig "*Dous Irmaos*," which left this port on the 26th November for Rio de Janeiro with a legal cargo, the complainant took with him the articles specified in the annexed list to the value of 3,105,000 reis, which in francs amounts to 19,406 francs; that the said articles were seen and received on board by the mate of the said brig; that, moreover, several persons who visited the complainant have found him often employing his time and his labour in the preparation of objects of natural history; and that he has lost all, having with him when he disembarked in this town on the 29th November nothing but a mattress and his linen; seeing that the vessel in which he had embarked had been detained by the aforesaid English commander, and sent to Sierra Leone with all her lading on board.

Demanding, moreover, that when he shall have duly proved all, you would deign to give judgment accordingly, and to order that there be delivered to him the documents and papers requisite to make good his claim against the proper

persons in time and place; of which facts he begs you to allow him to furnish the said proof, after citation by the délégué.

Witnesses to be called—

Joaquim Antonio Franco; Manoel da Rocha Porto; Agostinho Aurelio d'Oliveira; José de Nascimento Pereira; João Antonio de Carmo.

Let this request be granted. (Signed) NEGRAO.

Loanda, December 4, 1839.

[Here follow a list of articles and their estimated value, signed by M. Laplane; a certificate by the "greffier" that he had personally summoned the "délégué," the Judge's order for summoning the witnesses, and the "greffier's" certificate that he had cited them.]

On the 10th of December, 1839, in this town of Loanda, province of Angola, at the residence of the "Juge Ordinaire," Doctor Estevão da Fonseca Negrão acting as "Juge de Droit," the delegate of the "Procureur de la Couronne" being present, there appeared the witnesses designated by me, of whom the Judge asked their names, nationality, age, occupation, &c., as is customary.

(Signed) JOSE DE ARAUJO DOS REIS PEREIRA,
Acting as Greffier.

First Witness.—Joaquim Antonio Franco, born at Lisbon, aged 55 years, married, mate of the brig "*Dois Irmaos*," detained by the English ship of war, having taken the oath required, and affirmed that he would only answer the truth to the questions which should be addressed to him; and being asked what he knew of the facts arising out of the complaint of Laplane (Louis Napoléon), which complaint had been read to him, declared that, as mate of the brig "*Dois Irmaos*," he knew from having seen, and from having been present when the complainant embarked, that he brought on board with him the articles specified in the list just read to him; and that the same Laplane had paid 180,000 reis for passage and freight; but that with regard to the value of the said articles, he could not estimate it, being unacquainted with such matters. This was all he declared. On the second point he stated that the above-mentioned articles had been really received on board the brig, that he and several other persons on board had seen them, and that after the seizure of the vessel by the commander of the English brig of war "Columbine," the latter had despatched the said vessel to Sierra Leone with her whole cargo, comprising the articles belonging to the complainant, who only took from it his linen and mattress. The said brig "*Dois Irmaos*" sailed from this port the 26th of November, 1839, with a lawful cargo. This was all he declared. After which, he signed with the Judge and Delegate.

(Signed) JOSE DE ARAUJO DOS REIS PEREIRA, *Greffier.*
NEGRAO.
TORRES.
JOAQUIM ANTONIO FRANCO.

Second Witness.—José do Nascimento Pereira, native of this city, 41 years of age, unmarried, landed proprietor, after having taken the oath according to custom, and affirmed that he would answer truly the questions which might be put to him, declared, upon the first point, that he knew the complainant, with whom he had frequently before had dealings, had embarked on board the brig "*Dois Irmaos*," bound for Rio de Janeiro, for which port she sailed on the 26th of November last, with a lawful cargo, and that the said Laplane had with him divers objects of natural history, the same that are enumerated in the note he has just heard read, which objects he has seen, the said Laplane having been his lodger. On the second point he replied that he knew, because he had heard it from the mate and the passenger Teixeiro, that the brig "*Dois Irmaos*" had been detained by the English brig-of-war "Columbine," and sent to Sierra Leone, with the captain and a cabin-boy, having on board all her cargo, including the articles belonging to the complainant; and that he can affirm that the said Laplane, on his return, had only a mattress and his linen, and brought back none of the several articles he had embarked, and which deponent had seen. This was all he declared; and he then signed with the Judge and Delegate.

(Signed) JOSE DE ARAUJO DOS REIS PEREIRA.
NEGRAO.
TORRES.
JOSE DO NASCIMENTO PEREIRA.

Third Witness.—Joao Antonio do Carmo, native of Lisbon, 40 years of age, unmarried, steward of the brig "*Dois Irmaos*," having taken the oath required, and being interrogated as to the facts stated by Louis Napoléon Laplane, replied, that, as steward on board the brig "*Dois Irmaos*," he assisted at the embarkation of the complainant, Louis Napoléon Laplane, who carried with him the articles mentioned in the note just read to him, the said brig "*Dois Irmaos*" having sailed from this port the 26th of November last, with a lawful cargo for Rio de Janeiro, and that the abovementioned articles were seen by all on board the said vessel. On the second point he stated that he was present when the articles in question were received on board and put under charge of the mate, and that the vessel having been captured and sent to Sierra Leone with all her cargo, the said articles were sent with it, the complainant having brought away nothing but his linen and a mattress. This was all he deposed, and then signed, together with the Judge and Delegate.

(Signed) JOSE DE ARAUJO DOS REIS PEREIRA.
NEGRAO.
TORRES.
JOAO ANTONIO DO CARMO.

Fourth Witness.—Manoel da Rocha Porto, born at Porto, 33 years old, unmarried, and a merchant, having taken the usual oaths, and being questioned as to the facts alleged by Louis Napoléon Laplane, replied, on the first point, that he knew Laplane had embarked on board the brig "*Dois Irmaos*" sundry articles, which this witness saw, being himself also a passenger on board the said vessel, but that he had not examined them particularly; that the brig "*Dois Irmaos*" sailed from this port on the 26th of November, with a lawful cargo, and that the complainant was on board, as also this witness, as passenger. With regard to the second point, he knew, because he had seen it and was present, that the said brig "*Dois Irmaos*," having been detained by the English brig-of-war "Columbine," was sent by the English commander to Sierra Leone, with the captain and one boy, having on board all her cargo, and including the valuable objects of natural history which the complainant had with him; nothing having been returned to him but a mattress and his linen: and, having nothing more to declare, he signed it with the Judge and the Delegate.

(Signed) JOSE DE ARAUJO DOS REIS PEREIRA.
NEGRAO.
TORRES.
MANOEL DA ROCHA PORTO.

Fifth Witness.—Agostinho Aurelio de Oliveira, native of this city, 32 years of age, married, lieutenant of cavalry of the province, after having taken the oath required, and being interrogated as to the facts alleged by Louis Napoléon Laplane, in the complaint which has been read over to him, replied, as to the first point, that, having been present and witnessed the embarkation, he knew that the complainant had taken his passage on board the brig "*Dois Irmaos*," which sailed on the 26th of November, with a lawful cargo, and that he had taken on board with him sundry objects of natural history of the country, as stated in the note just read to him, the complainant having shown him the said objects in consideration of the friendship existing between them. As to the second point, he deposed that he knew, because he had heard the mate and the passenger Rocha say so, that the said brig "*Dois Irmaos*" had been detained by the commander of the English brig-of-war "Columbine," and sent to Sierra Leone, with the captain and a boy on board, and with her entire cargo, including the articles belonging to Laplane, who, on his return the following day, had only brought away with him the things mentioned in his declaration, and that all these facts are notorious: and, having nothing more to add, he signed, together with the Judge and Delegate.

(Signed) JOSE DE ARAUJO DOS REIS PEREIRA.
NEGRAO.
TORRES.
AGOSTINHO AURELIO DE OLIVEIRA.

The hearing of witnesses being terminated, the Judge having considered the evidence sufficient, I entered the whole, having thus closed the investigation before the Juge Ordinaire, Doctor Estevao da Fonseca Negrao, at present discharging the functions of Juiz de Direito.

(Signed) JOSE DE ARAUJO DOS REIS PEREIRA.

10th December, 1839.

Then follows the Judge's certificate of the facts alleged, with the usual attestations, &c.

No. 44.

Viscount Palmerston to Mr. Bulwer.

SIR, *Foreign Office, July 7*, 1841.

I HEREWITH transmit to you, for communication to the French Government, an extract of a Letter received by Her Majesty's Government, containing intelligence respecting French Slave Trade to the north of Sierra Leone.

I am, &c.

(Signed) PALMERSTON.

H. L. Bulwer, Esq.
&c. &c.

Enclosure in No. 44.

Letter enclosed in Sierra Leone Commissioners' Despatch, "General," of April 21, 1841.

(See Class A, No. 30.)

No. 45.

Viscount Palmerston to M. de Bourqueney.

SIR, *Foreign Office, July* 8, 1841.

I HAVE received your Letter of the 19th ultimo, stating that the masters of French merchant-vessels have in many instances complained to the Government of France that the officers of Her Majesty's navy cruising on the Coast of Africa against the Slave Trade act on that service with undue rigour towards French merchant-vessels; and adding that M. Cases, captain of the French brig "*La Fanny*," who recently arrived from the African coast, complained on his return that not only British subaltern officers, but the British Commodore also, had acted improperly towards him on many occasions.

I have in reply to assure you that Her Majesty's Government will always feel obliged to that of France for any information which may lead to the correction of any abuse of authority which may be committed by any of Her Majesty's cruisers employed on the coast of Africa for the prevention of Slave Trade; because Her Majesty's Government is fully aware that abuses of that kind would necessarily tend to defeat the efforts of Her Majesty's Government to put down the Slave Trade, an object which Her Majesty's Government has greatly at heart.

But the French Government will no doubt see, that to enable Her Majesty's Government to institute any useful inquiry into the matters to which the complaints of the French merchant captains relate, it will be necessary that Her Majesty's Government should be furnished with some specific and detailed statement of facts, with the dates when and the places where they happened; and with the names of the parties who are alleged to have misconducted themselves. And if you will send to me a statement, explaining in what respect M. Cases conceives the British officers to have misconducted themselves towards him, when, and where, and how it happened, and who the officers were who so acted, Her Majesty's Government will immediately cause due inquiry to be made into the matter.

I have, &c.

(Signed) PALMERSTON.

M. le Baron de Bourqueney,
&c. &c. &c.

No. 46.

Viscount Palmerston to Mr. A. Turnbull.

Foreign Office, July 31, 1841.

Circular as to Greek Law for the Suppression of the Slave Trade.

(See No. 6.)

No. 47.

Viscount Palmerston to M. de Bourqueney.

MONSIEUR LE BARON, *Foreign Office, August* 6, 1841.

I HAVE the honour to acknowledge the receipt of your note of the 28th June last, enclosing documents in support of a claim set up by M. Laplane, a subject of France, for losses said to have been sustained by him in consequence of the capture of a Portuguese slave vessel, "*Les Deux Frères,*" or "*Dois Irmaos,*" on board of which M. Laplane had embarked, and in which he had placed his property.

I have the honour to state to you in reply, that I laid these papers before the proper law officer of the Crown for his opinion upon the case, and I have now to request that you will state to the French Government, that Her Majesty's Government are of opinion that the claim of M. Laplane is not well founded: for the vessel on board of which M. Laplane, and the articles which he claims as his property, were taken, was at the time of her capture illegally engaged in the African Slave Trade, and by due course of law has accordingly been condemned.

Notwithstanding these facts, however, M. Laplane has thought proper to assert the innocence of the voyage in which the vessel was engaged, and to join in the protest made by a part of the Portuguese Slave-trading crew, full of false statements and of calumnious accusations against the captors.

These circumstances raise a strong suspicion that M. Laplane was cognizant of the illegality of the transaction, if not actually a party to it; and he may consider himself fortunate in not having been criminally proceeded against for participating in an act which is prohibited by treaties between Great Britain and France, and between Great Britain and Portugal, and which is moreover denounced as a crime by the laws of England, of France, and of Portugal.

The law of Portugal, indeed, expressly imposes a severe punishment, not only upon the masters and mates of slaving vessels, but upon "all other individuals" found on board Portuguese ships employed in the illicit traffic in slaves.

I have, &c.

M. le Baron de Bourqueney, &c. &c. &c. (Signed) PALMERSTON.

No. 48.

Viscount Palmerston to Baron Bourqueney.

Foreign Office, August 19, 1841.

THE Undersigned, &c., has the honour to state to Baron Bourqueney, &c., that Her Majesty's Government have received information that slaves have frequently been embarked from Tunis for Algiers; and that the Algerine agent at Tunis has kept a regular register of such slaves: in proof of which allegation the four following cases have been cited of vessels which sailed from Tunis to Algiers, each of them being marked in the agent's register as having conveyed slaves. First, the French brig schooner "*La Clorinde,*" Captain J. P. Asibert, sailed from Tunis the 1st of September, 1839. Secondly, the Neapolitan tartan "*St. Perasmo,*" Captain Arcangelo Scotto, sailed the 25th

of September, 1839. Thirdly, the Sardinian brig "*Giulietta*," Captain Pellegro Berlingere, sailed the 31st of October, 1839. And, fourthly, the same brig sailed the 28th of March, 1840.

It is stated that slaves are admitted without difficulty into the possessions occupied by the French in the Algerine territory; and a French merchant of Tunis, named Carcassonne, is said to have boasted of having sent slaves for sale to Constantinople by land in the early part of the present year, and of having gained cent. per cent. by the transaction.

The undersigned has to request that Baron Bourqueney will communicate this information to his Government, in order to enable it to make any inquiries which may be thought proper on the subject. The Undersigned, &c.

M. le Baron Bourqueney, (Signed) PALMERSTON.
&c. &c. &c.

No. 49.

Viscount Palmerston to Baron Bourqueney.

MONSIEUR LE BARON, *Foreign Office, August* 23, 1841.

WITH reference to the note addressed to me by M. Guizot on the 17th of August, 1840, I have the honour to transmit to you herewith a copy of a communication from the Admiralty, containing the reply of Lieutenant Stott to the accusations brought against Her Majesty's ships "Bonetta" and "Fair Rosamond," on the occasion of the search and temporary detention of the French vessels "*Noëmie Marie*" and "*Aigle*" in the harbour of Sierra Leone.

I have, &c.

M. le Baron Bourqueney, (Signed) PALMERSTON
&c. &c. &c.

First Enclosure in No. 49.

Mr. Parker to Mr. Backhouse.

Admiralty, August 11, 1841.
SIR, (*Received August* 12.)

WITH reference to your letter of the 17th of September, 1840, requesting, by direction of Viscount Palmerston, that my Lords Commissioners of the Admiralty should cause a strict inquiry to be made as to the truth of the alleged misconduct of the officers of Her Majesty's vessels "Bonetta" and "Fair Rosamond," upon the occasion of the seizure and temporary detention at Sierra Leone of the French vessels the "*Noëmie Marie*" and "*Aigle*," on suspicion of being engaged in Slave Trade, I am commanded by their Lordships to send you herewith, for the information of Viscount Palmerston, copies of a letter dated the 10th instant, and its enclosures, from Lieutenant Stoll (late commanding the "Bonetta"), refuting the charge brought against the officers of the said vessels on the occasion in question.

I am, &c.

John Backhouse, Esq. (Signed) J. PARKER.
&c. &c.

Second Enclosure in No. 49.

(Copy.) *Lieutenant Stoll to the Secretary to the Admiralty.*

SIR, *London, 3, Clifford's Inn, Aug.* 10, 1841.

I HAVE the honour to acknowledge the receipt of your letter of the 30th ultimo, enclosing me copies of three protests made by the master and mate of the French brig "*Noëmie Marie*," and calling upon me to reply thereto.

Herewith I forward an extract from "my letter of proceedings" to the senior officer, which will explain the grounds upon which I interfered with the two vessels in question.

By the statement of José Jean Gustave Gutteill, the alleged misconduct of the officers occurred on the 26th of February, and the "Bonetta" did not sail until the 1st of March: had anything of the sort ocurred, a complaint ought to have been made to me; failing redress, further steps might have been taken; but the misconduct was on the part of the said deponent, who was in charge of the brig "*Norrie Marie*" on the day that I visited her, when his behaviour towards me was insulting in the extreme. This was previous to the visit on board the "*Aigle*;" and it was only respect for my own character as a British officer that hindered me from using strong measures towards him.

With reference to the second protest, I ordered the "*Aigle*" to be anchored, believing she proposed proceeding to sea, knowing that she had not the requisite papers, which proved to be the case—she had none.

That these unfounded complaints against the officers of the "Bonetta" were an afterthought, and originated in malice, clearly appears from the circumstance that those protests were made at one time, five days subsequently, when, from the vigilance exercised on board the "Bonetta," these people were compelled to destroy the principal part of the equipment, the leaguer staves, thereby frustrating their nefarious purpose of equipping a slaver in a British port, and under the guns of a British vessel of war: had they succeeded, the probability is they would have accused the British authorities of conniving at it, and perhaps worse; then to have proceeded to St. Paul de Loando, no doubt to engage in the Slave Trade, which I regret to state is carried on to a great extent by French subjects in those parts, and which fact I reported when on the African station. I captured in one day two vessels commanded and officered by French subjects.

The accompanying reply from Mr. Paul, one of the officers complained of, who has maintained a high character through a long period of service, will help to show how little reliance ought to be placed on the most solemn statement of such people.

Before concluding I beg to state that I was present with Lieutenant Oliver during the whole time he was on board the "*Norrie Marie*;" that he did not make use of the coarse language attributed to him, nor yet did he strike the deponent, and nothing occurred which could give a colouring to such a fabrication.

I have, &c.
(Signed) JOHN S. R. STOLL,
Lieut. late commanding H. M. brig "Bonetta."

Third Enclosure in No. 49.

Extract from a Letter of Proceedings to Commander Tucker, of Her Majesty's ship "Wolverine," *sênior officer on the West Coast of Africa, from Lieutenant John S. R. Stoll, commanding Her Majesty's brig* "Bonetta."

"*Sierra Leone, March* 6, 1840.

"On the 27th of February, having reason to suspect a French brig that had cleared out and hauled into the fair way, I searched her, when I found a large quantity of plank and the staves of leaguers, together with a large supply of firewood; but as her captain was ill on shore, and had the papers with him, I left her, giving orders on board the 'Bonetta' to take possession if she attempted to weigh.

"I likewise sent Mr. Paul, the second master, to search a schooner belonging to the same owners: he reported that she had four leaguers, capable of containing from two to three tons of water each. On the evening of the 29th of February the latter vessel weighed and made sail, when I sent a party to anchor her, and shortly after went on board, with a view of examining her papers. I found Lieutenant Oliver, of the 'Fair Rosamond,' in possession, and went with him on board the brig; and as she could produce no papers, left a party on board her.

"Searching her again the following morning, I found they had embarked twenty bags of rice since my visit on the previous day, and had broken the staves for the leaguers into halves. The schooner also on being searched that day (February 29th) had her four leaguers in, and hoops to make four more; so that it is evident to me that the plank on board the brig was intended for a Slave-deck, and the hoops on board the schooner would set up the leaguer staves on board the brig, and most completely equip the said schooner for the Slave Trade.

"No papers being forthcoming, Lieutenant Oliver and myself proceeded to the Custom House, when the collector informed us that the plank on board the brig was entered on her original manifest from her clearing port in France, and that the embarkation of rice was never noticed at Sierra Leone, being such a general article of food for natives when employed on board ships.

"Under these circumstances I was obliged to release the brig, though I am fully persuaded that, had the 'Fair Rosamond' and 'Bonetta' not been present, an equipped Slave-vessel would have left Sierra Leone; for, to cover the fraud, they had divided the condemnable articles between them, and, joined together, they would have fitted the schooner with eight leaguers, of from two to three tons each, 30 bags of rice, firewood in abundance, and a male slave-deck; the woman slave-deck standing complete as when taken by the 'Water Witch.'

(Signed) "JOHN S. R. STOLL,
"Lieutenant Commanding."

Fourth Enclosure in No. 49.

Mr. Paul to Lieutenant Stoll.

Her Majesty's ship "Athol,"

SIR, *Portsmouth, August* 9, 1841.

IN reply to your letter of the 7th instant, I beg leave to state that upon boarding the "*Aigle*," and finding no person on deck, I went below, and found a part of her crew stowing provisions. I then inquired for the captain, but as there was no one there that could speak English, and not being acquainted with the French language, I could not get the necessary information I required from those persons.

I then looked round the vessel, and left her without having any altercation whatever with any one on board.

I have, &c.
(Signed) HENRY PAUL,
Late Second Master of Her Majesty's brig "Bonetta."

No. 50.

Mr. Bulwer to Viscount Palmerston.

Paris, August 20, 1841.

MY LORD, (*Received August* 23.)

I HAVE the honour to transmit to your Lordship a copy of a letter addressed to me by the French Minister of Foreign Affairs, enclosing a copy of a Despatch written by his Excellency to M. de Bourqueney, the French Chargé d'Affaires in London, relating to the signing of the Treaty for the abolition of the Slave Trade.

I have, &c.
(Signed) HENRY L. BULWER.

The Right Hon. Viscount Palmerston, G.C.B.,
&c &c. &c.

First Enclosure in No. 50.

M. Guizot to Mr. Bulwer.

MONSIEUR, *Paris, ce* 17 *Août,* 1841.

J'AI reçu la lettre que vous m'avez fait l'honneur de m'écrire le 13 de ce mois, pour m'exprimer, de la part de votre Gouvernement, le désir que le Chargé d'Affaires de France à Londres fût autorisé à signer immédiatement avec les Plénipotentiaires des quatre autres grandes cours un Traité général relatif à la Suppression de la Traite. M. de Bourqueney m'avait déjà informé du vœu que lui avait manifesté, à cet égard, Lord Palmerston en l'en entretenant directement. J'ai l'honneur pour répondre à votre communication, de vous transmettre la copie ci-jointe de la Dépêche que je viens d'adresser à M. de Bourqueney.

Recevez, Monsieur, &c.

M. H. L. Bulwer, (Signed) GUIZOT.
&c. &c. &c.

(Translation.)

M. Guizot to Mr. Bulwer.

SIR, *Paris, August* 17, 1841.

I HAVE received the note which you addressed to me on the 13th instant, expressing to me, on the part of your Government, a wish that the Chargé d'Affaires of France at London should be authorised to sign immediately, with the Plenipotentiaries of the four other Great Courts, a general Treaty relative to the Suppression of the Slave Trade. M. de Bourqueney had already informed me of the wish intimated to him by Lord Palmerston, on this point, in speaking to him of it directly. I have the honour to answer your communication by transmitting to you the enclosed copy of a Despatch which I have just addressed to M. Bourqueney.

Accept, &c.

H. L. Bulwer, Esq. (Signed) GUIZOT.
&c. &c. &c.

Second Enclosure in No. 50.

Monsieur Guizot to Baron Bourqueney.

MONSIEUR, *Paris, ce* 16 *Août,* 1841.

J'AI reçu avec la dépêche que vous m'avez fait l'honneur de m'écrire le 11 de ce mois, copie de la note que vous a passée Lord Palmerston pour vous exprimer le désir que le Gouvernement du Roi vous autorisât à signer immédiatement, avec les plénipotentiaires des autres grandes cours, le projet de traité général dressé à Londres il y a trois ans, dans le but de rendre plus efficace la repression de la traite des noirs. Je n'ai pas besoin de vous dire que, ni sur l'objet de cette convention, ni même sur l'ensemble de ses dispositions, il n'éxiste et ne peut exister aucun dissentiment entre le Gouvernement du Roi et celui de Sa Majesté Britannique; mais quelques unes des clauses secondaires qu'elle contient paraissent devoir donner lieu à certaines explications qui préviendront, je l'espère, les difficultés que leur exécution pourrait remontrer. L'opinion publique n'est pas moins prononcée en France qu'en Angleterre contre l'infâme trafic, dont il s'agit de faire disparaitre les dernières traces; mais elle n'est pas également arrêtée sur la convenance et l'opportunité de quelques unes des mesures à prendre pour y parvenir; et à cet égard, elle conserve des doutes, des défiances, qu'il est nécessaire de dissiper. Ces difficultés, Monsieur, ne sont certes pas insurmontables; et si des questions plus urgentes n'eussent, dans ces derniers temps, absorbé toute notre activité, s'il nous eut été possible de fixer sur ce point l'attention publique, distraite par d'autres préoccupations, il est probable que nous eussions déjà triomphé des obstacles que je viens de vous signaler. Quoiqu'il en soit, Lord

Palmerston comprendra qu'il y aurait de l'imprévoyance, de notre part, à ne pas en tenir compte, et que nous ne saurions nous engager à les écarter assez promptement pour être en mesure de signer, dans le délai qui lui conviendrait, la convention à laquelle il attache avec raison une si grande importance.

Agréez, &c.

(Signé) GUIZOT.

(Translation.)

SIR, *Paris, August* 16, 1841.

I HAVE received, with the Dispatch which you addressed to me on the 11th inst., a copy of the note which Viscount Palmerston addressed to you, expressing a wish that the Government of the King would authorise you to sign immediately, with the Plenipotentiaries of the other Great Powers, the project of the general treaty drawn up in London three years ago, for the purpose of rendering more efficacious the suppression of the Slave Trade. I need not tell you that, as regards the object of this convention, and even the generality of its provisions, there neither does nor can exist any difference between the Government of the King and that of Her Britannic Majesty; but some of the secondary clauses which it contains apparently require certain explanations, which, I hope, will obviate the difficulties which their execution might encounter.

Public opinion is not less declared in France than it is in England against the infamous traffic, the last traces of which are about to be effaced; but France does not equally concur in the propriety and fitness of some of the measures to be taken for that end, and on this point she entertains doubt and mistrust which it is necessary to dissipate. These difficulties, Sir, are certainly not insurmountable; and if more urgent questions had not latterly absorbed all our activity, if it had been possible to direct the public attention to this point, distracted by other pre-occupations, it is probable that we should already have triumphed over the obstacles which I have pointed out to you. However this may be, Lord Palmerston will understand that on our part it would be imprudent not to take account of them, and that we cannot engage to remove them soon enough to be prepared to sign, within the period which would suit him, the contention to which he properly attaches so much importance.

Accept, &c.

M. le Baron Bourqueney, (Signed) GUIZOT.
&c. &c. &c.

No. 51.

Viscount Palmerston to Baron Bourqueney.

VISCOUNT PALMERSTON presents his compliments to Baron Bourqueney, and has the honour to invite Baron Bourqueney to meet him at the Foreign Office to-morrow, Wednesday, at two o'clock, in order to continue, in concert with the Plenipotentiaries of Austria, Prussia, and Russia, the negotiation for a Treaty between the Five Great Powers of Europe upon Slave Trade.

Foreign Office, August 24, 1841.

No. 52.

Viscount Palmerston to Mr. Bulwer.

SIR, *Foreign Office, August* 24, 1841.

WITH reference to my Despatch of the 10th instant, I have to acquaint you that Baron Bourqueney read to me, some days ago, a Despatch dated the 16th instant, which he had received from M. Guizot, in reply to his application for authority to sign the proposed Treaty between the Five Powers for the suppression of the Slave Trade. M. Guizot states that no difference of feeling exists between the French Government and Her Majesty's Government, with regard to the object of the proposed Treaty, or even as to its provisions, taken as a whole; but that some of the minor clauses apparently require explanation, in order to prevent difficulties which they may encounter if carried into effect: that public opinion is not less strong in France than it is in England in favour of the suppression of the Slave Trade,

but that this opinion is not equally settled as to the propriety of some of the measures to be taken for that purpose, with respect to which there exists doubt and mistrust which it is necessary to dissipate; that it would be imprudent in the French Government not to pay attention to these obstacles; and that the French Government cannot undertake to surmount them in time to be able to sign the Convention, as soon as is desired by Her Majesty's Government.

Her Majesty's Government have received this communication with much regret, because they had not expected that a difficulty on this matter would have arisen from the Government of France—a Government which has always professed, and Her Majesty's Government are convinced, sincerely feels, the most anxious desire to put an end to the detestable traffic in slaves.

But as the French Government seems to take a view of its own position, in regard to this Treaty, somewhat different from that taken of it by Her Majesty's Government, I have to instruct you to submit the following statement to M. Guizot.

By the 9th Article of the Convention for the suppression of the Slave Trade, concluded between Great Britain and France on the 30th of November, 1831, it was agreed that the other maritime Powers should be invited to accede to that Convention as soon as possible; and, accordingly, in January, 1834, when that Convention had been rendered more effective as to the details of the Slave Trade Suppression Service, by the supplementary Convention of March, 1833, a draft of a note inviting the accession of Austria, Naples, Prussia, Russia, and Sardinia, was submitted to the Duc de Broglie by Her Majesty's Ambassador at Paris, with a proposal that a note, couched in the terms of that draft, should be sent, by the British and French Governments respectively, to their representatives at Vienna, Naples, Berlin, St. Petersburg, and Turin, to be presented by those Ministers to the several Governments to which they were accredited.

The French Government approved of the note in question, and promised to give the proposed instructions to the French Ministers at the Courts above named.

The invitation was acceded to by the Courts of Naples and Turin, and by the other Powers to whom it was subsequently addressed. Austria, Prussia and Russia, however, declined to become parties to the Conventions between France and Great Britain; but declared their readiness to lend their aid towards the final extinction of the Slave Trade, and proposed that their representatives in London should meet in conference with the French Ambassador and the British Secretary of State, for the purpose of making arrangements for the accomplishment of this object.

This proposal was announced to Count Sebastiani by my Note of May 31, 1836; and I at the same time informed his Excellency that the representatives of Prussia and Russia were already duly and formally authorised to take part in the proposed negotiation, and that the Austrian Minister had no doubt that authority would be forwarded to him also; and I transmitted to Count Sebastiani a draft of Treaty which comprised the leading stipulations to which the Powers of Europe had at various times agreed, which I requested him to submit for the consideration of the French Government, previously to its being proposed in conference by Count Sebastiani and myself to the representatives of Austria, Prussia, and Russia.

To this communication no reply was received, although, on the 31st October and on the 27th December, 1836, and on the 27th February and on the 9th June, 1838, Her Majesty's Ambassador at Paris was instructed to press the subject upon the attention of the French Government; except that, in January, 1837, Count Molé stated that he had been, up to that time, prevented from acting upon the overtures made by the British Government, but that he would soon take the King's orders on the subject, and inform Earl Granville of the result.

In December, 1838, however, Count Sebastiani joined with me in a formal conference, in proposing, on the part of France and England, to the representatives of Austria, Prussia, and Russia, a specific and detailed draft of Treaty.

The terms in which the proposal then made is recorded in the Protocol, are as follows:—

"Les Plénipotentiaires d'Autriche, de France, de la Grande Bretagne, de

Prusse, et de Russie, s'étant réunis en conférence, *d'après l'invitation des Plénipotentiaires de France et de la Grande Bretagne,* afin de continuer les négociations pour un concert général des Puissances de l'Europe, ayant pour objet la suppression de la Traite des Noirs; * * * * * *les Plénipotentiaires de France et de la Grande Bretagne proposèrent* aux Plénipotentiaires des trois autres Puissances, aujourd'hui réunis en conférence, *le Projet de Traité annexe A. Les Plénipotentiaires de France et de la Grande Bretagne* prièrent les Plénipotentiaires des trois Cours de transmettre le dit Projet à leurs Gouvernemens respectifs. * * * * * * * * *Les Plénipotentiaires de France et de la Grande Bretagne* déclarèrent que leurs Gouvernemens rendent une entière justice aux sentimens philanthropiques et généreux des Gouvernemens d'Autriche, de Prusse, et de Russie, et sont les premiers à reconnaître, que ni les sujets ni les pavillons de ces trois Puissances ne prennent aucune part au trafic des noirs.

" Mais le but, dont *les Gouvernemens de France et de la Grande Bretagne* se proposent l'accomplissement au moyen du Traité en question, est celui d'empêcher que les bandits et les pirates d'autre pays, qui s'adonnent à ce commerce infame, ne puissent se prévaloir des pavillons des trois Puissances, afin de poursuivre impunément leurs criminelles entreprises."

Therefore it was not England which then proposed that draft of Treaty to France, but it was France which, in conjunction with England, proposed that draft to Austria, Prussia, and Russia; and consequently the hesitation now evinced by the French Government cannot possibly apply to anything contained in that draft of the 12th of December, 1838; because France is bound, by the Protocol above quoted, to the draft which she herself then proposed.

The question therefore arises, which of the alterations subsequently made in the Draft of Treaty it is, to which the hesitation of the French Government is to be attributed?

These alterations are as follow:—

In the 2nd Article, the space within which the mutual right of search is to be exercised, is to be bounded to the north by the 32nd parallel of north latitude, instead of by the 37th, as originally proposed; and the limits within which that right can be exercised to the westward, to the southward, and to the eastward, are more specially defined than they were in the first draft; for the right is limited on the west by the eastern coast of America, from the point where the 32nd parallel of north latitude strikes that coast, down to the 45th parallel of south latitude; to the south by the 45th parallel of south latitude, from the point where that parallel strikes the eastern coast of America, to the point where it intersects the 80th degree of longitude east of Greenwich; and to the eastward, by that meridian of longitude, from the point where it is intersected by the 45th parallel of south latitude, up to the point where it strikes the coast of India.

By the 6th Article, the captor of a slaver is to be permitted to send his prize for adjudication under the care of the officer *third* in command of his ship, instead of being required to send the officer second in command, as at first proposed.

In the 9th Article a stipulation has been added, in order to prevent an evasion practised by slave dealers, who it is found land their slaving equipments at the slave factories on the coast, and reship them when their cargoes of slaves are ready. By this means they shorten the period of time during which they have on board the equipments which render them liable to condemnation; and if a cruiser searches them while they are lying opposite to a slave factory, and waiting for the slaves whom they are to take on board, they may perhaps have on board none of the articles, the presence of which would be evidence to convict them.

A like addition has been made to Article 11.

The preceding summary shows that the tendency of the alterations which have been made in the draft of December, 1838, is to modify, and not to increase, the stringency of the articles of the draft proposed by France and England; and it cannot therefore be supposed that the French Government can object to those alterations.

In June 1839, six months after the draft of treaty had been proposed in conference, and on several subsequent occasions, I applied to the Plenipotentiaries of Austria, Prussia, and Russia, begging to be informed of the decision which their Governments had come to upon the subject; and those three Powers were also urged by Her Majesty's representatives at Vienna, Berlin, and

St. Petersburgh, to give a speedy and favourable answer to Great Britain and France. But no decisive reply was received till November 1839, when the Austrian Plenipotentiary stated, that his Government felt itself unable to co-operate actively in the measures proposed for the suppression of the Slave Trade, and therefore offered to settle the question, by giving for five years to British cruisers the right of searching Austrian vessels suspected of Slave Trade.

This liberal offer was declined by Her Majesty's Government, on the ground that the object which Her Majesty's Government had in view was to unite all the Christian Powers in a league against the Slave Trade, and that this object would not be attained if Austria declined to join the league. Shortly afterwards, on the 24th of February, 1840, Her Majesty's Government had the satisfaction of learning that Austria had authorised her Plenipotentiary to join in the negotiations for the treaty already proposed; and those negotiations were accordingly resumed at this office on the 24th of February, 1840.

But at this conference an important alteration of the draft was proposed by the Plenipotentiaries of the three Powers, who had been instructed to suggest that the treaty should be limited in duration.

To this proposal Her Majesty's Government entertained the strongest objections, and felt it right to endeavour to induce the three Powers not to insist upon a stipulation, which would so materially impair the efficacy of the treaty; and the French Plenipotentiary concurred with the British Plenipotentiary on this point.

The correspondence on this matter occupied some months.

On the 26th of July, 1840, the Plenipotentiaries of the three Powers met M. Guizot and myself in conference; and at that time Baron Brunnow, on the part of Russia, was the only Plenipotentiary who pressed for a limitation of the duration of the treaty. But I again argued the extreme importance of an unlimited duration; and Baron Brunnow said that Russia might be induced to agree to that unlimited duration of time, if the limits of space, within which the mutual right of search was to be exercised, were somewhat narrowed; and Her Majesty's Government having signified their readiness to meet the wishes of the Emperor of Russia in this respect, I heard in August, 1840, from Her Majesty's Minister at St. Petersburgh, that instructions had been issued to Baron Brunnow on this matter, which it was thought would be satisfactory to Her Majesty's Government.

At this time, however, France was separated from the other Powers by the Treaty of July, 1840; and Her Majesty's Government then abstained from pressing the signature of the proposed convention, because although the subject was indeed wholly unconnected with the Turkish and Egyptian affairs, and although a treaty for the suppression of Slave Trade might have been signed, without altering the position of France in regard to the Turkish question, yet Her Majesty's Government felt that the French Government might dislike to pursue any negotiation in conjunction with the other four Powers, at a moment when she had separated herself from them in a matter of great and practical and immediate political interest.

But the very day on which the Plenipotentiaries of the six Powers signed the Convention of the 13th of July last, by which the separation of France from the other Powers ceased, I requested Baron Bourqueney to apply to his Government for authority to sign the Slave Trade Treaty; and I again urged him verbally to the same effect, some time before I wrote him the note of the 10th instant.

No efforts, therefore, have been omitted on the part of Her Majesty's Government to obtain the signature of the French Plenipotentiary to this treaty, which the Plenipotentiaries of Austria, Prussia, and Russia are ready to sign; and Her Majesty's Government certainly cannot say, that the reasons assigned by the French Minister for now asking for further delay are, in the opinion of Her Majesty's Government, at all satisfactory. Her Majesty's Government hope and trust that this unexpected hesitation on the part of the Government of France to conclude a treaty, which France herself joined in proposing in December, 1838, will not be productive of any worse result than further delay; but if, in consequence thereof, any fresh difficulties should arise elsewhere, the responsibility of having occasioned them will not rest with Her Majesty's Government.

You will give a copy of this Despatch to M. Guizot.

I am, &c.

H. L. Bulwer, Esq.,
&c. &c. &c.

(Signed) PALMERSTON.

No. 53.

Viscount Palmerston to Baron Bourqueney.

Foreign Office, August 27, 1841.

THE Undersigned, &c., has the honour to transmit to Baron Bourqueney &c., two Copies of the Draft of Treaty between the Five Powers for the Suppression of the Slave Trade, containing the alterations agreed upon at the Conference held at the Foreign Office on the 25th instant.

The Undersigned, &c.,
(Signed) PALMERSTON.

No. 54.

Viscount Palmerston to Baron Bourqueney.

Foreign Office, August 28, 1841.

THE Undersigned, &c., has the honour to submit to Baron Bourqueney, Chargé d'Affaires of His Majesty the King of the French, the accompanying Draft of the Tenth Article of the Treaty, between the Five Great Powers, for the Suppression of the Slave Trade, containing an alteration which it is proposed to make in the last sentence of that Article, relative to the application of the proceeds of condemned vessels.

The Undersigned trusts that this alteration will meet the approval of the Baron Bourqueney.

The Undersigned, &c.,
(Signed) PALMERSTON.

M. le Baron de Bourqueney,
&c. &c. &c.

Enclosure in No. 54.

Draft of Tenth Article of Treaty between the Five Powers.

Proposed alteration in Art. 10.

The concluding words, "*distributed according to law among the officers and crew of the capturing ship,*" to be struck out;—and the words "applied in such way as may be prescribed by the laws of that country," substituted.

No. 55.

The Earl of Aberdeen to Baron Bourqueney.

M. LE BARON, *Foreign Office, September* 10, 1841.

I FIND amongst the papers in this Department, a Memorandum left by my predecessor, that, in an interview you had with Lord Palmerston on the 18th of August last, you read to his Lordship a Despatch, from which he gathered that the Government of His Majesty the King of the French imagine that the English purchase slaves at Sierra Leone, and send them to the West Indies and Demerara as apprentices for fourteen years, to be free men at the expiration of that period.

Lord Palmerston made inquiries about these matters at the Colonial Office, and, a reply having been received from that Department, I have now the honour to request that you will acquaint the French Government that they have been entirely misinformed on this subject, and that no such transactions ever take place:—"But the inhabitants of Sierra Leone, being subjects of the Queen of England, are of course free to depart for any of Her Majesty's dominions at their own pleasure; and, in the exercise of that freedom, many of them have voluntarily gone to Jamaica, Guiana, and Trinidad.

"Laws have been made, in these last-named colonies, for providing funds to defray the expense of the passage of Emigrants from Sierra Leone; and in every such law it is expressly provided that the emigrants, on their arrival, shall not be subject to any apprenticeship, but shall be absolutely free to choose any employment or employers they may prefer."

The Reports which Her Majesty's Government have received on this subject from these colonies show that the emigrants who have already arrived at Guiana and Trinidad have exercised this freedom of choice without any restraint whatever. They have been received by public officers appointed to protect them against imposition; and the Governors of these colonies have themselves, in person, explained to those emigrants that they are absolutely and entirely free, and have taken care that their freedom should be in no way whatever infringed.

The Colonial Laws above mentioned, moreover, declare invalid and void every contract for service made by an emigrant before he actually reaches the colony; and contracts made in the colony are not allowed to be for a longer period than twelve months. In case of a breach of contract for service, the servant is liable to no corporal punishment, and does not incur any penalties beyond those to which servants in general are liable, for the neglect or breach of their engagements; and, in short, the emigrants are in every sense as completely free as are any hired servants in the United Kingdom itself.

It may also be observed, that, in order to prevent abuse during the voyage, a law has been passed at Sierra Leone exactly similar to that which regulates the conveyance of passengers from England to parts beyond the seas; and so strictly has this law been observed, and so effectual have its provisions proved, that not a single death, nor even any serious illness, has occurred among the negro emigrants during the voyage to the West Indies.

I am, &c.
(Signed) ABERDEEN.

M. le Baron de Bourqueney,
&c. &c. &c.

No. 56.

The Earl of Aberdeen to Mr. Bulwer.

SIR, *Foreign Office, September* 10, 1841.

I HEREWITH transmit to you, for your information, a copy of a note which I have this day addressed to Baron Bourqueney, relative to the supposed purchase of slaves at Sierra Leone for exportation to the British West Indies.

I am, &c.
(Signed) ABERDEEN.

H. L. Bulwer, Esq.,
&c. &c.

Enclosure in No. 56.

The Earl of Aberdeen to Baron Bourqueney.

Foreign Office, September 10, 1841.

(No. 55.)

No. 57.

Mr. Turnbull to the Earl of Aberdeen.

British Consulate, Marseilles, September 17, 1841.

MY LORD, (*Received September* 27.)

I HAVE the honour of acknowledging receipt of the Despatch from the Secretary of State, dated 31st July last, transmitting to me copy of a Letter from the Greek Minister at the Court of St. James's, together with the translation of a law, promulgated by the King of Greece on the 13th March last, prohibiting the trade in slaves, and assigning penalties for the offences committed in contravention of that law. The same Despatch transmitted to me also copy of a Despatch and of its Enclosure from Her Majesty's Minister in Greece upon the same subject, and also two sets of those Papers for the Vice-Consuls at Cette and Toulon.

I shall not fail, in obedience to your Lordship's directions, to meet the desire expressed by the Greek Government, as stated in these papers, in giving my best

assistance towards carrying the aforementioned law into effect, whenever my offices may be required; and, in transmitting these Papers to the Vice-Consuls at Cette and Toulon, I shall accompany them with suitable instructions.

I have, &c.

(Signed) ALEXANDER TURNBULL, *Consul.*

The Right Hon. the Earl of Aberdeen, K.T.,
&c. &c. &c.

No. 58.

The Earl of Aberdeen to Mr. Bulwer.

Foreign Office, October 30, 1841.

Circular sending Papers presented to Parliament.

(See No. 9.)

No. 59.

The Earl of Aberdeen to Count St. Aulaire.

Foreign Office, November 12, 1841.

Circular sending Papers presented to Parliament.

(See No. 10.)

No. 60.

The Earl of Aberdeen to Count St. Aulaire.

SIR, *Foreign Office, November* 17, 1841.

HER Majesty's Government have had before them the communications which M. Bourqueney addressed to Her Majesty's Secretary for Foreign Affairs, on the 17th of December, 1840, and on the 31st of January, 1841, claiming on the part of the Government of France reparation from Her Majesty's Government for the seizure of the French vessel the "*Sénégambie*," in the harbour of Bathurst, in the Gambia, on the 7th of February, 1840, and the subsequent condemnation of that vessel in the Vice-Admiralty Court at Sierra Leone.

I have now the honour to observe to your Excellency that the French Government, in making this claim, appear to rest under the persuasion that the vessel in question was seized and proceeded against under the conventions concluded in 1831 and 1833 between Great Britain and France, containing certain provisions to be carried into effect by the contracting parties to those conventions for enabling them to co-operate towards the prevention of Slave Trade on the part of the respective subjects of each party.

But the Government of France were already informed, on the 16th of June, 1840, by a note from Her Majesty's Ambassador at Paris, that the ground on which the "*Sénégambie*" was seized and proceeded against, was a violation of a British Act of Parliament while lying in a British harbour, for she was found in British waters illegally equipped for Slave Trade, contrary to the provisions of the Act of the 5 Geo. IV., cap. 113, and on that ground was seized and was sent for adjudication, not to a tribunal of her own country, as would have been the case had she been detained under the above-mentioned Conventions between Great Britain and France, but to a British Vice-Admiralty Court duly authorised to try and decide on cases of offences against British laws, such as that which the "*Sénégambie*" was charged with having committed.

It appears that, in the case in question, there had been a clear violation of British law, that the vessel having a slave equipment on board was repaired and fitted in a British port, that for such offence she was legally condemned by the sentence of a competent Tribunal, and that, if there had been any reason-

able doubt of the legality of that sentence, the parties might and ought to have resorted to the Court of Appellate Jurisdiction.

I have to request also that your Excellency will recall to the attention of the French Government the just and well-founded arguments contained in the Note from Her Majesty's Ambassador at Paris to his Excellency the French Minister for Foreign Affairs, on the 16th of June, 1840; the force of which does not appear in any way affected by the tenor of the documents since transmitted by M. de Bourqueney. Some of those documents, indeed, tend strongly to confirm the view taken of this matter in that Note, and to show that the Act of Liberation was *conditional* only, and constituted a nominal and not a real distinction.

Under these circumstances I am under the necessity of requesting that your Excellency will state to the Government of France that Her Majesty's Government cannot admit that any claim for reparation can justly be maintained by the French Government in this case.

It may not here be superfluous to observe that the Conventions referred to by M. Bourqueney were never intended to abrogate the laws which prohibited the trade in slaves within the dominions of either of the contracting parties, at the time those Conventions were concluded, but on the contrary those Conventions were entered into for the purpose of furnishing additional powers for the suppression of the Slave Trade.

I have, &c.
(Signed) ABERDEEN.

His Excellency Count St. Aulaire,
&c. &c. &c.

No. 61.

The Earl of Aberdeen to Lord Cowley.

MY LORD, *Foreign Office, November* 19, 1841.

I HEREWITH transmit to your Excellency copies of Papers received at this office from the Colonial department.

These Papers show that two persons of colour, named Lateer or Lauter Ting, and Amady Jaubert or Sauber, formerly slaves at Senegal and Goree, had for these some years past resided as free inhabitants of Her Majesty's Colony at St. Mary's in the Gambia, and that in the month of June last these two persons having embarked near Albreda, for the purpose of proceeding to their residence at St. Mary's, were, while on their passage down the river towards the latter place, forcibly seized by an officer of the French brig-of-war "*Nisus*," carried through Her Majesty's jurisdiction at the port of St. Mary's, and taken to Goree, and there retained, it is supposed, in slavery.

The commander of Her Majesty's ship "Wanderer" laid before the Governors of the French colonies of Goree and Senegal a representation of these circumstances, and applied successively to each of those officers for the release of the two persons of colour above referred to; but the commandants of Senegal and Goree answered the application by stating that the affair in question was one, the settlement of which was beyond their jurisdiction.

I have to instruct you, therefore, to represent the circumstances to the French Government.

You will explain to them that this appears to be a case of aggravated wrong against the negroes in question, and that it has been committed under circumstances which give to Her Majesty's Government a claim to require from the French Government that orders shall be given for the release of the two persons held in bondage at Goree; and you will add that Her Majesty's Government, trusting in the sense of justice which animates the Government of France, feels confident that the necessary orders will be given accordingly.

I am, &c.
(Signed) ABERDEEN.

His Excellency Lord Cowley,
&c. &c. &c.

First Enclosure in No. 61.

Mr. Stephen to Viscount Canning.

Downing Street, October 18, 1841.

MY LORD, (*Received October* 19.)

REFERRING to the Letter which I addressed to Mr. Backhouse on the 11th of August last, relative to the proceedings of two French vessels of war in the Gambia, I am directed by Lord Stanley to transmit to you, for the consideration of the Earl of Aberdeen, the accompanying copy of a Despatch which has been received from the officer administering the government of Her Majesty's settlements in that river, together with the Enclosure to that Despatch, reporting that M. Bouet, the officer commanding one of the vessels in question, has forcibly carried away from the Gambia two black men to be dealt with as slaves.

I have, &c.

(Signed) JAMES STEPHEN.

The Right Hon. Viscount Canning,
&c. &c. &c.

Second Enclosure in No. 61.

Mr. Ingram to Lord John Russell.

MY LORD, *Bathurst, Gumbia, August* 5, 1841.

I BEG leave to represent to your Lordship, with reference to my Despatch of the 19th of June last, that, in addition to the highly improper conduct evinced towards this settlement by M. Edward Bouet, the officer commanding the French ships of war on the African station, as therein complained of, that individual has further committed himself by forcibly carrying away from this river two black men named Lateer King and Amady Jaubert or Sauber, who had for some considerable period resided in this town. I was not aware of this circumstance when I addressed your Lordship the Despatch above referred to, the particulars not having been known to me until the 23rd of June. Having, however, every reason to feel assured that the information I had received could be relied on, I did not hesitate, on the arrival of Her Majesty's ship "Wanderer," to address Captain Denman on the subject, requesting he would claim the individuals from the French Government at Goree and Senegal. I have the honour to enclose copy of my letter to that officer. Captain Denman, having complied with my requisition, proceeded on the 14th of July to Goree and Senegal, from which places he returned on the 28th of the same month. I also transmit herewith copy of his answer to my letter, and of the correspondence which passed between himself and the acting commandant at Goree, and the Governor of Senegal.

Concurring as I do entirely in the opinions expressed by Captain Denman in his letters to the French authorities, which letters so clearly set forth the unjustifiable conduct of the French naval officer, it will be unnecessary here to enter into further explanation on the subject. I cannot, however, regard the answers of the Governor of Senegal otherwise than as most unsatisfactory. I consider them as evasive and at variance with truth. His Excellency persists in stating that the men Lateer Ting and Amady Jaubert were taken from Albreda, "*possession Française*," and that he has not the power to restore them to freedom. Granting the Governor the full benefit of this assertion, it would still be unlawful to carry slaves through the waters of the Gambia, the integrity of which is assured to England by solemn Treaty; but the copies herein forwarded of two depositions sworn to by Cumba Byter and Mary Ann Sow, who were the fellow-passengers in the brig "*Curieuse*" of the unfortunate men forcibly taken from that vessel, and carried as prisoners to the "*Nisus*," will at once prove to your Lordship that they were not secured at Albreda, but were deliberately taken from the merchant ship during her passage between Albreda and Bathurst, at a considerable distance from the former place, by an officer sent, no doubt, by Commander Bouet for the express purpose.

That the Governor of Senegal has not the power to restore to freedom persons wrongfully and illegally detained appears to me inexplicable, and his attempt to throw the onus of their unlawful detention (which now remains entirely his own

act) on the French naval officer then absent very uncandid. This Governor, my Lord, who now declares his authority to be so very limited when called on to perform a simple act of justice by restoring two wretched beings to liberty, would not hesitate to demand the restoration of deserters from the crews of French vessels coming here, although, in nearly every instance, these deserters are unhappy slaves. If he possess this right he surely also possesses the authority and power to restore to freedom any persons illegally detained as slaves in the colony he governs, especially British subjects, when claimed as such by British authorities under any circumstances. The manner in which this Lateer Ting and Amady Jaubert were conveyed to and introduced into St. Louis is at best very questionable; and as the Governor cannot plead ignorance in the matter, I conceive his conduct to be highly censurable throughout.

From my long residence in Western Africa, and personal acquaintance with the neighbouring colonies of Goree and Senegal, I have reason to fear that, before your Lordship can interpose on behalf of the unfortunate men whose case I have now presented to your Lordship, they will have shared the fate of many of their countrymen, and have become the property of the slave dealer. I hope your Lordship will pardon me for again pressing upon your Lordship's notice the advantage, indeed I may say the necessity, for the benefit of British interests, of adding Albreda to this Government. Albreda, as regards its extent, is insignificant, but is nevertheless a millstone on our commerce.

It holds out a premium to the smuggler, serious injury to the honest trader, and frequent causes of difference between the French colonies and ourselves. If this factory were relinquished to Her Majesty's Government the French could no longer ascend this river beyond Bathurst; and, as the undivided possession of the Crown, I feel assured this young and prosperous settlement would rapidly attain a degree of importance and wealth which I fear it cannot reach under existing circumstances.

Such a union would leave no further room on the part of our restless and discontented neighbours for the commission of future aggressions and other vexatious acts against the persons or property of Her Majesty's subjects in this river.

I have, &c.

(Signed) T. S. INGRAM, *Acting Governor.*

The Right Hon. Lord John Russell, M.P.,
&c. &c. &c.

Third Enclosure in No. 61.

Deposition of Cumba Byter.

Settlement of Bathurst, River Gambia, June 23, 1841.

PERSONALLY appeared before me, Daniel Robertson, Esq., one of Her Majesty's Justices of the Peace for the said settlement, Cumba Byter, of said place, and being duly sworn states that she was coming from the French settlement of Albreda about a week ago as a passenger in the French brig "*Curieuse,*" Captain Niolon; that before the vessel got under weigh she heard the captain say that he expected two more passengers, and wondered what was keeping them; that presently she saw a Mandingo canoe coming alongside, and Later Ting and Amady Jauber came on board; the vessel then got under weigh and sailed; a short distance from Albreda (about a mile) they saw a boat coming towards them from the French man-of-war with an officer on board holding a paper in his hand; on coming alongside he jumped on deck, read the paper to the captain, and said that he wanted two men. The captain told him that there were four passengers on board, two men and two women. The passengers were then ordered aft, and the moment the officer saw Later Ting and Amady Jauber he said they were the men he wanted, and ordered them into his boat, and went off with them towards the man-of-war. Deponent has heard and believes that Later Ting was a slave to an inhabitant of St. Louis, in the river Senegal, from whom he made his escape and arrived at this settlement about three years ago; he has resided here ever since, with the exception of going up the river occasionally to trade. Amady Jauber she has heard and believes to have been a slave of a Mr. Jauber, merchant at Goree; he has resided many

years in this colony, has been once or oftener to Goree since his first arrival here, and the deponent heard him say that his master had given him his freedom.

her
(Signed) CUMBA ⋈ BYTER.
mark.

Sworn before me at Bathurst, this
23rd day of June, 1841.
(Signed) D. ROBERTSON, J. P.

Fourth Enclosure in No. 61.

Deposition of Mary Ann Sow.

Settlement of St. Mary's, River Gambia.

PERSONALLY appeared before me, Daniel Robertson, Esq., one of Her Majesty's Justices of Peace for the said settlement, Mary Ann Sow, spinster, of the said place, and being duly sworn saith that a short time ago she was coming as a passenger from the French factory of Albreda to the settlement of St. Mary's, in the French brig "*Curieuse*," Niolon master; that some time after they left Albreda, a boat from the French man-of-war "*Nisus*," Captain Bouet, came alongside with an officer, who boarded them, and desired the master to show him the passengers, who were forthwith (four in number) ranged before him on deck; that he then told deponent and Cumba Byter that he did not want them, but ordered the other two passengers, Amady Jaubert and Lateer Ting, with their hands tied behind their backs, ; that the boat then pulled to the French man-of-war "*Nisus*," which was at anchor off Albreda. Deponent is not aware whether they were carried out of the river in the man-of-war, but she has not seen them since in the settlement, which she considers she must have done had they not been carried away.

her
(Signed) MARY ANN ⋈ SOW.
mark.

Sworn before me at Bathurst, this
23rd day of June, 1841.
(Signed) D. ROBERTSON, J. P.

Fifth Enclosure in No. 61.

Mr. Ingram to the Hon. Captain Denman.

SIR, *Bathurst, Gambia, July* 13, 1841.

TWO days after the departure from this river of the French brigs of war "*Nisus*" and "*Malonine*," I was informed, on very credible authority, that the French senior naval officer, Monsieur Bouet, had committed, within the waters of this Government, an act of aggression by forcibly removing from the French merchant-brig "*Curieuse*," while coming from Albreda to Bathurst, two individuals named Lateer Ting and Amady Joubert, or Souber, (passengers on board the last-named vessel,) who had for several years resided at this settlement, and were then returning to their homes in this town.

I have been also informed that the men Lateer Ting and Amady Joubert were formerly slaves at Senegal and Goree; that they came to the Gambia some years since, and have always conducted themselves in a correct and proper manner. There can be no doubt that these two unfortunate persons are now held as slaves in the French colonies of Goree and Senegal, and that there is no chance of their ever again escaping from slavery, unless through the intervention of British authorities. Without entering into the subject of Monsieur Bouet's conduct, which is utterly at variance with all law, it appears to me that his act amounts to a direct case of slave-dealing, inasmuch as it forces into slavery two persons previously enjoying all the rights and privileges of British subjects.

I hope that the service on which you are employed will admit of your proceeding to Goree or Senegal, for the pupose of claiming the aforesaid Lateer Ting and Amady Joubert, when I have no doubt other cases of slave-dealing, equally glaring, will also be presented to your notice. I refrain from adverting

to other grievances of which I have reason to complain against Commander Bouet, as they have already formed the subject of a communication I have felt it my duty to address to Her Majesty's Government.

I have, &c.

(Signed) J. L. INGRAM,
Acting Governor.

The Hon. Commander Denman,
&c. &c. &c.

Sixth Enclosure in No. 61.

The Hon. Commander Denman to the Governor of Goree.

Her Britannic Majesty's Ship "Wanderer."
Goree, July 17, 1841.

SIR,

I HAVE the honour to inform your Excellency that the persons named Lateer Ting and Amady Joubert or Souber, who have resided at St. Mary's for several years, embarked in the French merchant-brig "*Curieuse*" at Albreda for a passage to their residences at St. Mary's; while on their passage they were forcibly taken out by an officer of the French brig of war "*Nisus*," by which they were carried through the port of St. Mary's, and, as I have understood, afterwards landed at Goree. The river Gambia being a British possession, it is apparent that any aggression committed in its waters by a foreign armed force is as grave an offence against the authority of Her Britannic Majesty as if the same were committed upon the shores of St. Mary's.

I understood that these persons had formerly been slaves in a French settlement, and that it is with the object of restoring them to this miserable condition that M. Bouet has considered himself justified in his proceedings.

But your Excellency will at once perceive that the anxiety of M. Bouet to recover runaway slaves cannot justify him in violating the integrity of a British possession; and I am confident that you will at once accede to the justice of my claim for the liberation of the persous in question.

I have, &c.

(Signed) JOSEPH DENMAN, *Commander and Senior Officer on the Sierra Leone Station.*

His Excellency the Governor of Goree,
&c. &c. &c.

Seventh Enclosure in No. 61.

Commandant Doucelance to the Hon. Commander Denman.

M. LE COMMANDANT,

Gorée, le 20 *Juillet,* 1841.

LES nombreuses occupations, et une indisposition que j'ai eue depuis trois jours, ne m'ayant pus permis de répondre à votre réclamation du 17 courant relative aux deux noirs du Sénégal, je m'empresse de vous en accuser récepion.

Je dois vous dire que mes pourvois ne s'étendent pas au point de pouvoir y faire droit; je suis sous les ordres de Monsieur le Gouverneur du Sénégal, duquel je dépend; je lui ai en conséquence transmis votre réclamation par un courier extraordinaire parti d'ici le 17 courant: j'osé espérer qu'il sera de retour à Gorée dans quatre jours, et alors je pourrais vous faire connaître la décision que Monsieur le Gouverneur aura pris à cet égard. Recevez, je vous prie, Monsieur le Commandant, l'assurance de ma considération et de mes salutations sincères.

Le Commandant particulier de Gorée,
(Signé) DOUCELANCE.

The Hon. Commander Denman,
&c. &c. &c.

(Translation.)

SIR,

Goree, July 20, 1841.

MY numerous occupations, together with my having been indisposed the last three days, not having permitted me to reply to your demand of the 17th

instant relative to the two negroes of Senegal, I now hasten to acknowledge the receipt of it.

I have to inform you that my powers do not extend so far as to enable me to adjudicate on the case, being, as I am, under the orders of the Governor of Senegal, on whom I am dependent. I have consequently transmitted him your demand by an express, which left this on the 17th instant, and I hope will return in four days, when I may be able to acquaint you with the decision the Governor may have come to on the subject.

Accept, &c.

The Hon. Commander Denman, (Signed) DOUCELANCE.
&c. &c. &c.

Eighth Enclosure in No. 61.

The Hon. Commander Denman to the Commandant of Goree.

Her Britannic Majesty's Sloop "Wanderer,"
SIR, *Goree, July* 22, 1841.

I HAVE the honour to acknowledge the receipt of your Letter of the 20th, informing me that it is necessary to refer my claim for the liberation of the two persons so unjustifiably seized in British waters to his Excellency the Governor of Senegal. Having been previously informed by you that the persons in question are not at Goree, and that one is at St. Louis, I think it desirable that I should proceed to Senegal; and I have to request that, if the captives should be sent to Goree in the interval, you will keep them until my return to this port, which, in that event, I will revisit for the purpose of receiving them.

I have, &c.

(Signed) JOSEPH DENMAN,
Commander and Senior Officer.

The Commandant of Goree,
&c. &c. &c.

Ninth Enclosure in No. 61.

Commander Denman to the Governor of Senegal.

Her Britannic Majesty's Sloop "Wanderer," off Senegal,
SIR, *July* 24, 1841.

I HAVE the honour to acquaint your Excellency with my arrival off Senegal for the purpose of claiming the liberation of two persons named Lateer Ting and Amady Joubert or Souber, seized and carried out of the river Gambia by M. Bouet, the Commander of the French brig-of-war "*Nisus.*"

The persons in question had been for some years resident at St. Mary's, and had embarked at Albreda in the French merchant-brig "*Curieuse,*" for the purpose of returning to their habitations.

When about four miles from that factory they were forcibly seized and taken on board the brig-of-war by an officer sent for the purpose.

It will not, perhaps, be unknown to your Excellency that upon the occasion in question M. Bouet thought himself justified in ascending that British possession as far as the French factory at Albreda, a distance of 15 miles, and quitting it without visiting the principal settlement of St. Mary's, the residence of the Governor, which is situated at its entrance. I allude to this circumstance only to explain the reason of the capture of these persons being unknown to the Governor of the Gambia until some days after the departure of M. Bouet.

Your Excellency will at once perceive that the capture of these persons in British waters can in no manner be justified, and I await with confidence your reply to my demand for their liberation.

I had, in the first instance, addressed myself to the Governor of Goree, who, however, informed me that the persons in question were not at that place, and that the liberation of the captives rested with your Excellency.

I have, &c.

(Signed) JOSEPH DENMAN, *Commander and Senior Officer on the Sierra Leone Station.*

His Excellency the Governor of Senegal,
&c. &c. &c.

Tenth Enclosure in No. 61.

The Governor of Senegal to Commander Denman.

Saint Louis, le 24 *Juillet,* 1841, *à* 8 *heures du soir.*

Gouvernement du Sénégal et Dépendances, No. 10.

MONSIEUR LE COMMANDANT,

J'AI l'honneur de vous accuser réception de votre Lettre de ce jour, réclamant la remise de deux noirs ramenés d'Albreda, possession Française, par M. le Commandant de la Station Extérieure.

Ji regrette beaucoup que cet officier inférieur ne se trouve pas sur les lieux, parcequ'à lui seul appartient la solution d'une question qui, par la compte qu'il en a rendu à son Excellence le Ministre de la Marine et des Colonies, est en raison des différends survenus entre lui et l'autorité locale de Sainte Marie, devenue aujourd'hui une question de Governement à Gouvernement.

Veuillez, &c.

(Signé) MONTAGNES DE LA ROQUE.

A Monsieur le Commandant du Brick de Sa Majesté Britannique le "Wanderer," en Rade de Saint Louis.

(Translation.)

Government of Senegal and its Dependencies, No. 10.

SIR, *Saint Louis, July* 24, 1841, 8 *o'clock p.m.*

I HAVE the honour to acknowledge the receipt of your Letter of this day's date, claiming the freedom of two negroes brought from Albreda, a French possession, by the Commandant of the Outer Station.

I much regret that this inferior officer is not at present here, because to him alone belongs the solution of a question which, from the account he has given of it to his Excellency the Minister of Marine and the Colonies, it appears that difficulties have arisen between him and the local authority of St. Mary's, which have now become a question between the two Governments.

Accept, &c.

(Signed) MONTAGNES DE LA ROQUE.

The Commander of Her Britannic Majesty's Brig "Wanderer,"
&c. &c. &c.

Eleventh Enclosure in No. 61.

Commander Denman to the Govenor of Senegal.

Her Britannic Majesty's Sloop, "Wanderer," off Senegal,
SIR, *July* 25, 1841.

I HAVE the honour to acknowledge the receipt of your Excellency's Letter of yesterday, regretting the absence of M. Bouet, and informing me that to him alone belongs the solution of a question which, by the report he has forwarded to his Excellency the Minister of Marine and the Colonies, has become, in consequence of differences which have taken place between him and the authorities of St. Mary, a question between Government and Government.

As a superior authority, under whose control these unfortunate persons are placed, I trust that your Excellency will not countenance or participate in the proceedings of M. Bouet, by keeping them longer captive.

Being residents of St. Mary's, and seized when peaceably traversing the Gambia, and at a distance of several miles from Albreda, they are evidently and undeniably entitled in the fullest manner to British protection; that river not only being a British possession by actual occupation, but by special Treaty with France. I therefore feel it my duty to press upon your Excellency that every hour's further detention is an aggravation of the violence which they have already suffered, and most earnestly to repeat my claim for their liberation.

I have, &c.

(Signed) JOSEPH DENMAN, *Commander and Senior Officer on the Sierra Leone Station.*

His Excellency the Governor of Senegal,
&c. &c. &c.

Twelfth Enclosure in No. 61.

The Governor of Senegal to Commander Denman.

Gouvernement du Sénégal et Dépendances. No. 11.

MONSIEUR LE COMMANDANT, *Saint Louis, le* 25 *Juillet,* 1841.

J'AI l'honneur de vous accuser réception de votre lettre de ce jour, et de vous renouveller que, mes pouvoirs ne s'étendant pas au contrôle du service extérieur de la station confié par mon Gouvernement à un officier supérieur de la marine, je ne puis en aucune manière faire droit à la réclamation que vous croyez de votre devoir de m'adresser en faveur des deux noirs arrêtés sur une possession Française par cet officier, et dont il a rendu un compte tout particulier au Gouvernement.

Je ne puis donc, Monsieur le Commandant, quelque puisse être le résultat du retard de la solution de l'affaire en question, que rendre immédiatement compte à son Excellence le Ministre de la Marine et des Colonies des démarches que vous avez faites à ce sujet, et de vous assurer qu' aussitot sa réponse je m'empresserai de vous le faire parvenir.

Veuillez, &c.

(Signé) MONTAGNES DE LA ROQUE.

A Monsieur le Commandant du Brick de S. M. B. "Wanderer,"
&c. &c. &c.

(Translation.)

Government of Senegal and its Dependencies. No. 11.

SIR, *St. Louis, July* 25, 1841.

I HAVE the honour to acknowledge the receipt of your letter of this day's date, and to repeat to you that, as my powers do not extend to the control of the outer service of the station, which is intrusted by my Government to a superior officer of the navy, I cannot in any manner adjudicate upon the claim you consider it your duty to address to me in behalf of two negroes detained in a French possession by that officer, and respecting whom he has given a particular account to his Government.

I can only, therefore, whatever may be the result of the delay in the solution of the affair in question, give an immediate account of the steps you have taken on the subject to his Excellency the Minister of Marine and the Colonies, and assure you that as soon as I shall receive his answer I will hasten to acquaint you with it.

Accept, &c.

(Signed) MONTAGNES DE LA ROQUE.

The Commander of H. B. M. Brig "Wanderer,"
&c. &c. &c.

Thirteenth Enclosure in No. 61.

Commander Denman to the Lieut.-Governor of the Gambia.

H. M. S. "Wanderer," at the Gambia,
SIR, *July* 28, 1841.

I BEG to enclose, for your Excellency's information, copies of my correspondence with the Governors of Goree and Senegal on the subject of your letter of the 13th instant.

The first letter of the Governor of Senegal appeared to me evasive; therefore, considering it necessary to obtain a distinct answer, I repeated my claim, putting as far as possible the responsibility of the further detention of the persons in question upon him.

I have, &c.

(Signed) JOSEPH DENMAN,
Commander.

His Excellency the Lieut.-Governor of the Gambia,
&c. &c. &c.

No. 62.

Count St. Aulaire to the Earl of Aberdeen.

Londres, le 24 *Novembre,* 1841.
(*Received November* 26.)

LE Soussigné, Ambassadeur Extraordinaire de Sa Majesté le Roi des Français près de Sa Majesté Britannique, a l'honneur de porter à la connaissance de son Excellence Lord Aberdeen les faits suivans, qui lui ont été communiqués par son Gouvernement.

M. le Gouverneur du Sénégal a transmis à M. le Ministre de la Marine un rapport du Sieur René Valantin, négociant de la colonie, qui contient la relation qui suite :—

Le 28 Avril, 1841, des embarcations appartenant à la corvette Anglaise "l'Iris" auraient incendié, dans le Rio Pongo, un établissement appartenant à la dame veuve Lightqourn, habitante indigène, chez laquelle le Sieur Valantin aurait consigné marchandises pour une valeur de 10,971 francs.

Il paraîtrait en outre que Madame Lightbourn ainsi que ses deux fils, après avoir été pris et emmenés à bord de la corvette, mouillée en mer à deux ou trois lieues de l'embouchure de la rivière, n'auraient obtenu leur liberté que par un rachat de neuf noirs pris parmi leurs domestiques. Cet événement, qui aurait consommé la ruine de la Dame Lightbourn, l'aurait mise hors d'état de satisfaire à ses engagemens vis-à-vis du Sieur Valantin.

C'est en raison de ce rapport, dont les pièces à l'appui ce trouvent ci-jointes, que l'Ambassadeur de France a l'honneur d'adresser la présente note à Lord Aberdeen, en le priant de vouloir bien vérifier l'exactitude des faits qui y sont relatés, et d'aviser, s'il y a lieu, au genre de satisfaction que méritent les réclamations du Sieur Valantin.

Le Soussigné, &c.
(Signé) ST. AULAIRE.

A Son Excellence Lord Aberdeen, K.T.,
&c. &c. &c.

(Translation.)

London, November 24, 1841.

THE Undersigned, &c., has the honour to inform his Excellency Lord Aberdeen, &c., of the following facts, which have been communicated to him by his Government.

The Governor of Senegal has transmitted to the Minister of Marine a communication from M. René Valantin, a merchant of the colony, which contains the following narrative :—

On the 28th of April, 1841, the boats belonging to the English corvette "Iris" burnt, in the Rio Pongo, a settlement belonging to the Widow Lightbourn, a native inhabitant, and at whose house M. Valantin had consigned goods to the value of 10,971 francs.

Moreover, it would appear that Mrs. Lightbourn, as well as her two sons, after having been captured and carried on board the corvette, which was at anchor at sea two or three leagues from the mouth of the river, only obtained their liberty by the release of nine blacks taken among their servants. This event, which had completed the ruin of Mrs. Lightbourn, had put it out of her power to fulfil her engagements on the part of M. Valantin.

In consequence of this communication, the documents in support of which are enclosed, the Ambassador of France has the honour to address the present note to Lord Aberdeen, requesting him to have the kindness to verify the correctness of the facts mentioned therein, and to consider, if there is cause, what kind of satisfaction is due to the complaints of M. Valantin.

The Undersigned, &c.
(Signed) ST. AULAIRE.

The Right Hon. the Earl of Aberdeen, K.T.,
&c. &c. &c.

First Enclosure in No. 62.

M. Valantin to the Governor of Senegal.

MONSIEUR LE GOUVERNEUR, *Saint Louis, le* 20 *Août*, 1841.

PARTI du Havre le 2 Décembre dernier pour le bas de la côte, à bord de la goëlette "*La Fourmi*," de Rouen, armateurs MM. P. A. Pouchet et Fils, négociants de la même ville, je touchai ici quelques jours pour prendre langue avec M. Pesnel, consignataire, et d'ici à Gorée, d'où je suis parti le 22 Janvier; je suis entré à Rio Pongo le 29, où le nommé Bourama s'est emparé du navire jusqu'au 1 Février, comme vous avez dû le voir dans le rapport du Capitaine Dutôt.

Dès ce moment nous fûmes retenus dans cette rivière, partie par nos affaires, partie par le maladie du Capitaine, second, et de tout l'équipage, jusqu'au mois d'Avril, que nous fûmes alors en état de partir; mais en déscendant la rivière un événement assez grave et très factieux pour notre commerce, et qui à porté atteinte aux intérêts de mes armateurs, m'obligea de m'arrêter et d'y séjourner jusqu'aux premiers jours de Juin.

Le 28 Avril des embarcations de guerre Anglaises, de la corvette "l'Iris," de Sa Majesté Britannique, entrèrent en rivière, se rendirent à l'établissement de la dame veuve Lightbourn, habitante indigène, et lui brûlèrent toutes ses propriétés, maisons, magasins, et marchandises—tout fut reduit en cendres. J'avais consigné à la Dame Lightbourn des marchandises, dont la valeur s'élevait à la somme de 2194 21 dls., 10,971 05 frs., suivant son reçu du 20 Avril. Ces marchandises ont subi le même sort; cette maison s'est trouvée dans l'impossibilité de satisfaire à ma réclamation.

Madame Lightbourn, ainsi que ses deux fils, furent pris et emmenés à bord de la corvette, mouillée en mer à deux ou trois lieues au large de l'embouchure. Elle n'obtient sa liberté et celle de ses enfans que par un rachat de neuf noirs pris parmi ses domestiques.

Cet événement, qui a consommé la ruine de cette famille, préjudicie à nos intérêts et atteint également des commerçans Américains et Anglais, qui y ont perdu des sommes considérablés. On évalue la perte à plus de 100,000 francs.

J'ai l'honneur de vous remettre, ci-inclu, le certificat de Madame Lightbourn, signé de tous les habitans notables et commerçans dans le pays, ainsi que la facture de mes marchandises, signée et servant de reçu, et une petite lettre de son fils, qui m'annonçait l'événement à son retour de la corvette, venant prendre les noirs qu'exigeait le Commandant pourle ur rachat. Ces pièces sont accompagnées des traductions en Français.

Nous espérons, Monsieur le Gouverneur, que la protection du Gouvernment nous sera acquise pour obtenir le prompt dédommagement que nous sommes en droit d'attendre du Gouvernment Anglais, et l'appui que vous n'avez cessé de donner aux pauvres commerçans pendant votre long séjour au bas de la côte.

Je suis, &c.

(Signé) R. VALANTIN.

Pour copie conforme,

Le Capitaine de Vaisseau, Gouverneur,

(Signé) MONTAGNES DE LA ROQUE.

M. le Gouverneur du Sénégal,
&c. &c. &c.

(Translation.) *Saint Louis, August* 20, 1841.

M. LE GOUVERNEUR,

HAVING set out from Havre, the 2nd of last December, for the lower part of the coast, on board the galliot "*La Fourmi,* of Rouen, fitted out by Messrs. P. A. Pouchet and Son, merchants of the same town, I tarried here for a few days to speak to M. Pensel, the consignee, and hence to Gorée, whence I set out on the 22nd January. I entered Rio Pongo on the 29th, where a person named Bourama took possession of the vessel until the 1st of February, as you may have seen in the Report of Captain Dutôt.

From this time we were detained in this river, partly by business, partly by

the illness of the captain, the second in command, and all the crew, till the month of April; that we were then ready to set out. But in descending the river a rather serious event—very annoying for our commerce, and which has inflicted an injury on the interests of my laders—obliged me to stop and to remain here until the 1st of June.

On the 28th April some English boats-of-war, belonging to Her Britannic Majesty's corvette "Iris," entered the river, made for the establishment of the widow Lightbourn, a native inhabitant, and set fire to all her property—house, warehouse, and goods—all were reduced to ashes.

I had consigned to Mrs. Lightbourn the goods, the value of which amounted to the sum of 2194 21 dls. 10,971 05 frs., according to its receipt of the 20th April. These goods have undergone the same fate. This house has been unable to satisfy my complaints.

Mrs. Lightbourn, as well as her two sons, were seized and taken on board the corvette, which was at anchor at sea two or three leagues from the mouth of the river.

She only obtained her liberty, and that of her children, by a redemption of nine slaves, taken among her servants.

This event, which has caused the ruin of this family, is prejudicial to our interests, and equally affecting the American and English merchants, who have lost considerable sums therein. The loss is valued at above 100,000 francs.

I have the honour to send you, enclosed, the certificate of Mrs. Lightbourn, signed by all the respectable and commercial American inhabitants in the country; as well as the invoice of my merchandise, signed, and instead of a receipt; and a small note from her son, who announced to me the event, on his return from the corvette, coming to take the blacks which the Commandant required for their redemption. These documents are accompanied with translations in French.

We hope, M. le Gouverneur, that the protection of the Government will be obtained for us, in order to obtain the prompt indemnity that we have a right to expect from the English Government, and the support you have unceasingly given to the poor merchants during your long stay on the lower part of the coast.

I am, &c.

(Signed) R. VALANTIN.

A true copy,

The Captain of the Vessel, Governor.

(Signed) MONTAGNES DE LA ROQUE.

The Governor of Senegal,
&c. &c. &c.

Second Enclosure in No. 62.

(Extract.) *Rio Pongo, Mai* 15, 1841.

Ceci est pour certifier que moi, Isabella Lightbourn, affirme et déclare que, par suite de la perte entière de ma fortune, causée par la déstruction totale de mes maisons et magasins, avec tout ce qui y était contenu, par cinq embarcations de guerre Anglaises, vers le 28 Avril dernier, les dites embarcations appartenans au corvette "l'Iris" et un brick mouillés au large de cette rivière, je me trouve dans l'impossibilité de satisfaire à la réclamation qui m'est faite par M. Réné Valantin, subrécargue de la goëlette Française la "*Fourmi,*" de Rouen, expediée par MM. P. A. Pouchet et Fils, propriétaires de la dite göelette et cargaison. Je déclare que la dite réclamation est pour des marchandises qu'il m'avait consignées pour vendre pour son compte, dont la valeur totale s'élève à la somme de 2194 gourdes 21 sous, comme le constate le reçu donné en mon nom et daté du 20 Avril, 1841.

(Signé) Pour ISABELLA LIGHTBOURN,
STILE LIGHTBOURN.

Nous soussignés, résidans et traitans à Rio Pongo, certifions la véracité de la déclaration ci-dessus.

(Translation.)

River Pongo, May 15, 1841.

THIS is to certify that I, Isabella Lightbourn, affirm and declare that in consequence of the entire loss of my fortune, which was caused by the total destruction of my houses and stores, with all their contents, by five English boats, about the 28th of April last, the said boats belonging to the sloop of war "Iris" and a brig of war anchored off the mouth of this river, I am now unable to meet the demand made upon me by M. Réné Valentin, supercargo of the French schooner "*Fourmi*," of Rouen, despatched by Messrs. P. A. Pouchet and Sons, owners of the said schooner and cargo. I declare that the said demand is made for goods which he had consigned to me for sale for his account, and of which the value amounts to the sum of 2194 dollars 21 sous, as shown in the receipt given in my name, and dated the 20th April, 1841.

(Signed) For ISABELLA LIGHTBOURN,
STILE LIGHTBOURN.

We, the undersigned residents and traders in the river Pongo, certify the truth of the above-mentioned declaration.

(Signed, &c.)

Third Enclosure in No. 62.

(Traduction.)

Liste des Marchandises envoyées au Magasin de Madame Lightbourn à Farrengha.

			Dols.	Cents.	Dols.	Cents.
24 douzaines	Mouchoirs rouges		2	60	62	0
12 pièces	Sucreton		3	0	36	0
12 do.	do.	bleu de ciel	3	0	36	0
12 do.	Calicot rouge		3	0	36	0
12 pièces	Sucreton à points blancs		3	50	42	0
18 do.	Nicanio rouges		4	50	81	0
18 do.	Indienne, Cap. Dick, 897¼ yards		0	16	95	56
15 do.	Fautas		3	50	52	50
16 do.	Indienne fine (259m. 20)		4	50	72	0
24 do.	Siamoise		3	50	84	0
45 do.	Romals et lom Coffee		2	0	90	0
24 do.	Liménéas		4	50	108	0
50 do.	Guinée blanche (coupes de 12 yards)		2	0	100	0
4 paires	pagnes blancs à bords rouges		3	0	12	0
4 do.	do.	do.	4	0	16	0
6 do.	do.	brochés	6	0	36	0
6 do.	do.	brochés avec rouge	8	0	48	0
4 do.	do.	superieurs	12	0	48	0
3 douzaines	Chemises de couleur		12	0	36	0
12 caisses	Limonade Jazeuse		3	0	36	0
36 pièces	Guinée bleu de l'Inde		4	0	144	0
24 do.	do.	do. Rouen	4	50	108	0
25	Fusils towar		4	25	106	25
4 douzaines	Madras		4	0	16	0
12 do.	Cadnas		2	0	24	0
10 do.	Clochettes		2	0	20	0
6 do.	Mouchettes ou coutelas		3	0	18	0
4 sacs	plomb à gibayer, ensemble 80lb.		3	50	18	80
10 douzaines	Tabatières en étain		1	20	12	0
6 do.	Ciseaux communs		1	0	6	0
6 do.	Rasoirs do.		2	0	12	0
25 pièces	Mouchoirs bleus, imprimes blanc et Turkey red		2	50	62	50
4 barils, ou 400lb., Poudre, comme suit:						
4 petits barils de 25lb.	100lb.					
2 do. do. 50	100					
8 do. do. 12½	100	à 20 dol. le baril			80	0
5 do. do. 20	100					
		Carry forward			1754	61

			1754	61
Brought forward	4	50	112	50
25 Fusils long deane	4	50	112	50
25 do. Birding	5	0	60	0
12 do. Français simples	2	50	12	0
8 paires Souliers pour homme	3	0	18	0
6 douzaines pots de Pommade	3	0	18	0
6 do. Huile Antique	1	50	9	0
6 paniers Anizette	7	0	28	0
4 caisses Liqueur Maraschino	6	0	24	0
4 do. do. assorties	2	50	15	0
6 paniers Bierre	5	0	30	0
6 caisses Vin Blanc				
			2193	61

Village de Bangalong, Rio Pongos, 20 *Avril,* 1841.

(Signé) Pour ISABELLA LIGHTBOURN,
STILE E. LIGHTBOURN.

MONSIEUR,

JE vous envoie votre liste, que j'ai signé pour ma mère. Vos marchandises resteront en magasin jusqu'à votre retour de Rio Nunes; et je ferai tout mon possible d'en vendre autant qu'il sera à mon pouvoir.

(Signé) STILE E. LIGHTBOURN.

Pour copie conforme à l'original déposé aux archives de la colonie,

Le Capitaine de Vaisseau, Gouverneur du Sénégal et de ses Dépendances,

(Signé) MONTAGNES DE LA ROQUE.

Mem.—This paper was addressed outside to Monsieur Réné Valentin, à bord de a "*Fourmi,*" Bangalong.

Fourth Enclosure in No. 61.

MONSIEUR, *Farringo,* 3 *Mai,* 1841.

CELLE-ci est pour vous informer que notre village a été brulé par des embarcations de guerre Anglaises avant hier; ma mère, John, et moi même, avons été pris et conduits à bord du navire de guerre, elle est à bord. Je suis envoyé pour affaire particulière, et je dois retourner à bord à la marée du soir.

N'ayant pas le temps de vous écrire plus longuement,

Je suis, &c.

(Signé) STILE LIGHTBOURN.

Pour copie conforme à l'original déposé aux archives de la colonie,

Le Capitaine de Vaisseau, Gouverneur du Sénégal et Dépendances,

(Signé) MONTAGNES DE LA ROQUE.

SIR, Translation.

THIS is to inform you that our village was yesterday burnt by English man-of-war's boats. My mother, John, and myself were taken and carried on board the man-of-war. She is on board. I am sent on a particular business, and must return on board at the evening tide. Not having time to write to you more at length,

I am, &c.

(Signed) STILE LIGHTBOURN.

No. 63.

Lord Cowley to the Earl of Aberdeen.

Paris, November 26, 1841.

MY LORD, (*Received November* 29.)

I HAVE the honour to state to your Lordship that, in obedience to the instructions conveyed in your Despatch of the 19th instant, I have addressed a representation to Monsieur Guizot, demanding the release of the two negroes who were seized by an officer of the French brig of war "*Nisus,*" in the River Gambia, and who are supposed to be retained in slavery at Goree.

My representation to M. Guizot was accompanied by copies and extracts of such portions of the correspondence enclosed in your Lordship's despatch above

mentioned as I considered it expedient to communicate to the French Government in support of my demand.

I will not fail to communicate to your Lordship the answer from M. Guizot, as soon as I shall have received it, together with my representation to His Excellency.

I have also the honour to acknowledge the receipt of your Lordship's Despatch of the 20th instant.

I have, &c.
(Signed) COWLEY.

The Earl of Aberdeen, K.T.,
&c. &c. &c.

No. 64.

The Earl of Aberdeen to Count St. Aulaire.

M. LE COMTE, *Foreign Office, December* 1, 1841.

I HAVE the honour to acknowledge the receipt of your Excellency's note of the 24th instant, enclosing copies of papers relating to proceedings of Her Majesty's brig "Iris," in the River Pongo, by which it is alleged that a lady of the name of Lightbourn suffered unjustly a very severe loss.

Your Excellency's communication will be transmitted to the proper department for inquiry into the circumstances of the transaction referred to in them; and as soon as I shall be made acquainted with the result of that inquiry I shall have the honour to address your Excellency further upon the subject.

I have, &c.
(Signed) ABERDEEN.

His Excellency Count St. Aulaire,
&c. &c. &c.

No. 65.

The Earl of Aberdeen to Lord Cowley.

MY LORD, *Foreign Office, December* 6, 1841.

WITH reference to the correspondence which took place in the year 1840 between Viscount Palmerston and Her Majesty's Ambassador at Paris, relative to the purchase of slaves on the coast of Africa for the military service of the French Colonies, I herewith transmit to your Excellency, for your information, copies of notes which have have passed between the French Embassy and this office, upon the subject of a claim made by the French Government for reparation for the seizure and condemnation of the French vessel "*Sénégambie,*" which was employed by the French authorities at Goree to bring negroes to that colony.

I am, &c.
(Signed) ABERDEEN.

His Excellency Lord Cowley, G.C.B.
&c. &c. &c.

Enclosures in No. 65.

1. *Viscount Palmerston to M. Guizot, August* 5, 1840.
(See Class C, 1840, No. 11, p. 43.)

2. *M. Bourqueney to Viscount Palmerston, December* 17, 1840.
(See No. 291.)

3. *M. Bourqueney to Viscount Palmerston, January* 31, 1841.
(See No. 30.)

4. *The Earl of Aberdeen to Count St. Aulaire, November* 17, 1841.
(See No. 60.)

No. 66.

The Earl of Aberdeen to Lord Cowley.

MY LORD, *Foreign Office, December* 20, 1841.

I HAVE the honour to acquaint your Excellency, by Her Majesty's command, that I have this day signed, on the part of Her Majesty, with the Pleni-

potentiaries of their Majesties the King of the French, the Emperor of Austria, the King of Prussia, and the Emperor of Russia, a Treaty for the suppression of the African Slave Trade.

I herewith transmit to your Excellency a copy of that Treaty.

Immediately upon the receipt of this Despatch you will solicit an audience of His Majesty the King of the French, in which you will express to His Majesty the high gratification which Her Majesty feels at uniting with His Majesty and other Great Powers of Europe in the cause of mercy and of justice, by a league the sole object of which is to alleviate the sufferings of humanity.

You will also express to the French Minister the warm satisfaction of Her Majesty's Government in having been enabled to follow up the great, the liberal, and the humane principles recorded in the declarations of the principal Powers of Europe at the Congresses of Vienna and of Verona, by concluding Treaty for the beneficent end proposed in the compact signed this day.

You will, on the part of Her Majesty's Government, urge the French Minister to have the French ratification of the Treaty prepared and transmitted to London without delay, in order to its being exchanged against the ratification of Her Majesty as soon as possible within the term prescribed by the Treaty.

I am, &c.

His Excellency Lord Cowley, G.C.B. (Signed) ABERDEEN.
&c. &c. &c.

No. 67.

The Earl of Aberdeen to Count St. Aulaire,

THE Earl of Aberdeen presents his compliments to the Count St. Aulaire, and, with reference to the Earl of Aberdeen's note of the 17th ultimo, respecting the case of the French vessel "*Sénégambie*," begs to transmit to him the papers which were enclosed in Baron Bourquency's note of the 17th December, 1840, and which Baron Bourquency requested might be returned to him.

Foreign Office, December 22, 1841.

No. 68.

Lord Cowley to the Earl of Aberdeen.

Paris, December 24, 1841.

MY LORD, (*Received December* 26.)

I HAVE the honour to acknowledge the receipt of your Lordship's Despatch of the 20th instant, enclosing a copy of the Treaty for the Suppression of the African Slave Trade, signed by your Lordship on the part of Her Majesty, and by the Plenipotentiaries of their Majesties the Emperor of Austria, the King of the French, the King of Prussia, and the Emperor of Russia.

I lost no time in waiting upon M. Guizot, to whom I communicated the contents of your Lordship's Despatch, and he expressed his entire concurrence in the satisfaction of Her Majesty at the conclusion of this Treaty, and assured me that no time should be lost in preparing the ratification of it, which should be transmitted to London with as little delay as possible.

He also promised to procure for me an early audience of King Louis Philippe for the purpose stated in your Lordship's Despatch.

I beg to offer my sincere congratulations to your Lordship upon the conclusion of a compact which holds out a fair prospect of accomplishing an object so interesting to humanity, and for the attainment of which so many sacrifices have been made by Great Britain.

I have, &c.

The Earl of Aberdeen, K.T. (Signed) COWLEY.
&c. &c. &c.

No. 69.

The Earl of Aberdeen to Lord Cowley.

Foreign Office, December 27, 1841.

(Circular asking for all French laws on Slave Trade.)

(See No. 12.)

HANSE TOWNS.

No. 70.

Mr. Wesselhoeft to John Bidwell, Esq.

Hamburgh, March 30, 1841.
(*Received April* 2.)

SIR,

I DEEM it my duty to mention to you, for the information of Viscount Palmerston, a report recently much discussed here, of a Hamburgh vessel, called the "*Echo*," Captain Sohst, having been detected in the Slave Trade, and carried back to Sierra Leone, when on the point of sailing, by two armed boats, upon an order of the Governor.

I have seen Mr. Syndic Sieveking to make further inquiry, but he informs me that the Senate have had no official intelligence on the subject, but are anxious to learn from the British Government the particulars of the case, if it should be founded on truth.

The sole owner of the said brig, Mr. J. F. Ballauf, a respectable merchant of this place, has thought it necessary to give an account of the circumstances in one of our public papers, in order, I suppose, to do away with the unpleasant impression which the report has created against him in the public mind. I take the liberty of giving in substance to you his recital of the case in his own words:—

"The Hamburgh brig "*Echo*," Captain Sohst, was freighted for American account, in November last, to take a cargo of rum and tobacco from Havanah to New Sester in Guinea, an American colony.

"After having delivered his cargo the captain took passengers for Havanah, whom he got from the English man-of-war "Wonder," which was stationed off New Sester. He proceeded from thence, without being accompanied by a man-of-war or cruizer, to the English colony Sierra Leone, where he arrived on the 9th of January, and received more passengers, who were provided with passports, from the authorities, for Havanah. The brig was cleared on the 12th of January for Havanah, and obtained all the papers necessary to that effect. Early on the morning, when the "*Echo*" had already weighed her anchors, the brig, upon a special order of the Governor, was carried back into port by means of two armed boats. According to a letter from Captain Sohst, dated 16th January, he had, in spite of his reiterated inquiries and even his protest, not been able to ascertain the cause of such proceeding."

I shall not fail to acquaint you of any new circumstances which may come out hereafter.

I have, &c.
(Signed) CHS. WESSELHOEFT,
Acting British Consul.

John Bidwell, Esq.
&c. &c. &c.

No. 71.

Viscount Palmerston to Mr. Wesselhoeft.

Foreign Office, April 15, 1841.

(Circular sending Treaty with Argentine Confederation.)

(See No. 1.)

No. 72.

Lord Leveson to Mr. Wesselhoeft.

SIR, *Foreign Office, April* 21, 1841.

I RECEIVED and laid before Viscount Palmerston your Despatch of the 30th ultimo; and I am directed by Viscount Palmerston to state to you that no information has yet reached Her Majesty's Government relative to the detention of the Hamburgh vessel "*Echo*" at Sierra Leone, but that as soon as a statement of the facts shall be received they will be communicated to you for the information of the authorities of Hamburgh.

I am, &c.

Chas. Wesselhoeft, Esq. (Signed) LEVESON.
&c. &c. &c.

No. 73.

Viscount Palmerston to Mr. Wesselhoeft.

Foreign Office, April 22, 1841.

(Circular sending Convention with Hayti.)

(See No. 2.)

No. 74.

Mr. Wesselhoeft to Mr. Bidwell.

Hamburgh, May 7, 1841.

SIR, (*Received May* 10.)

I AM again under the necessity of addressing you, for the information of Viscount Palmerston, on the subject of a Hamburgh vessel called the "*Louise,*" Captain Boyes, having been detained by Her Majesty's brig "Grecian" on the high sea, in the neighbourhood of Rio de Janeiro, suspected to have violated the Treaty which Great Britain has concluded with the Hanse Towns for the abolition of the Slave Trade.

The reports on the subject were so various, and differed so much, that, in order to obtain the most correct information, I resolved at once to call on the owner of the vessel, with whom I am personally acquainted, and who bears a most respectable character in this place. He has been good enough to furnish me with the following extracts of letters, received by him from the merchants at Rio de Janeiro who loaded the "*Louise,*" and also from the captain of the vessel in question. As these, I believe, are the only official accounts which have reached this place, I take the liberty of quoting from them as follows:—

1. Extract of Captain Boyes' letter to his owner, Mr. Ferdinand Blass, at Hamburgh, dated Rio de Janeiro, 10th February, 1841.

"The nature of my freight is, after having taken in ballast and water for four or five months, to load here a *lawful cargo* (term sixty receiving and discharging days), and to discharge the same at Benguella on the coast of Africa. I am to receive for it 4000 dollars; 2000 of which will be paid when the vessel is loaden, and the remainder sixty days after the vessel has sailed, payable here at Rio. I believe it will be necessary to inform the underwriters on the vessel of the nature of the present voyage, as it strikes me that formerly a higher premium was paid for it; and, if not, it will prevent ulterior dispute. I hope to perform this voyage within three months, taking a cargo of salt at the Cape Verde Isands on my home-bound voyage. As the freighters of my vessel here hope to be able to procure for me a cargo for Lisbon, I have been obliged to lay in provisions for several months, and to buy from ten to fifteen water-casks, as no water is to be got there."

2. Extract of a letter from Messrs. Priaux and Tupper to Mr. Ferdinand Blass at Hamburgh, dated Rio de Janeiro, the March 1, 1841.

" Confirming the copy of our last respects, we have to inform you that your bark "*Louise*" sailed on the 25th ultimo for Benguello; but we have the unpleasant intelligence to add, that she was that same day detained on the high sea by Her Britannic Majesty's brig "Grecian,"—why, we know not; and what has become of her, we know not. All our inquiries have been in vain. She sailed with regular clearances from this Government, as well as from the Hamburgh and Portuguese Consuls. The charterer assures us that she has no illegal goods on board. Report says that the brig is overhauling the bark's cargo a few leagues to the southward of this place. Mr. Stocknuyer, the Hamburgh Consul, has addressed Mr. Ouseley, the British Chargé d'Affaires, but up to this moment no answer has been given. Mr. Stocknuyer addresses the Senate of Hamburgh on this subject per present packet. Should anything illegal be found on board the "*Louise,*" she will, we believe, be sent to Cuxhaven for adjudication."

Having nothing further to add,

I have, &c.
CHS. WESSELHOEFT,
Acting British Consul.

John Bidwell, Esq.,
&c. &c. &c.

No. 75.

Mr. Colquhoun to Viscount Palmerston.

St. James's Place, May 10, 1841.
(*Received May* 11.)

My Lord,

I have the honour to transmit to your Lordship a copy of a letter from Mr. Fox, Hanseatic Vice-Consul at Plymouth, announcing the arrival at that port of a Hamburgh vessel, the "*Louise,*" Captain Bloye, detained on the coast of Brazil by Her Majesty's ship "Grecian" (who put on board an officer and 12 seamen), on suspicion of being employed for the Slave Trade.

I have very respectfully to solicit that your Lordship will be pleased to give instructions that the "*Louise*" may be dealt with according to the provisions of the Slave Trade Abolition Treaty between Great Britain and the Hanse Towns.

I have, &c.
(Signed) J. COLQUHOUN,
Agent and Consul-General for the Hanse Towns.

The Right Hon. Viscount Palmerston, G.C.B.,
&c. &c. &c.

Enclosure in No. 75.

Mr. Fox to Mr. Colquhoun.

Esteemed Friend, *Plymouth, May* 9, 1841.

I have now to acquaint you that the Hamburgh barque "*Louise,*" Captain Boye, was this day brought into this port, in charge of an officer and 12 seamen, put on board by the captain of Her Majesty's ship "Grecian," who detained this vessel on the coast of Brazil, on her voyage from Rio to Benguela—it is said upon suspicion of being engaged in the Slave Trade.

On her arrival my clerk was refused all intercourse with the captain; but on my application to the Port Admiral he has been allowed to go on board the "*Louise;*" and Captain Boye's statement to him is to the effect that, finding no produce for Europe, he chartered his vessel to load at Rio for Benguela, intending to take back salt, and then load for Hamburgh; that soon after sailing from Rio he was boarded by Her Majesty's ship "Grecian," detained, the

cargo all turned over, every package ransacked to find articles suited for the Slave Trade; and after much rough usage sent to Europe.

When we can get Captain Bloye on shore, I shall attend to his protest, and give him my advice and aid to protect his owners from what appears to be a great stretch of power. In the mean time my house will acquaint Captain Bloye's owner at Hamburgh, F. Blass, and his correspondent in your city, H. Sellim, of this most unpleasant event; and I shall esteem your advice as to any further steps you may think desirable.

I am, &c.
(Signed), THOS. W. FOX.

James Colquhoun, Esq.,
&c. &c. &c.

No. 76.

Mr. Wesselhoeft to Mr. Bidwell.

Hamburgh, May 11, 1841.
(*Received May* 14.)

SIR,

I HAVE the honour to enclose, for the information of Viscount Palmerston, the copy of a letter received this morning from the acting British Vice-Consul, Mr. Boyes, of Bremen (Mr. Pearkes, the Vice-Consul, being unavoidably absent at this moment), reporting the arrival in the Weser of Lieutenant James P. Thurburn, with the Bremen barque "*Julius and Edward*," Captain R. Siedenburg, from the West Coast of Africa, on the suspicion of carrying unlawful cargo destined for use in the Slave Trade; and Mr. Boyes has requested me to inform him if anything particular is necessary to be done.

Being without instructions myself on that subject, I have returned for answer that he must give Lieutenant Thurburn all the protection and assistance which he may stand in need of upon this occasion; and that I would immediately request Viscount Palmerston's further instructions on the subject.

I consequently request the favour of you to obtain his Lordship's commands, and communicate the same to me as soon as possible.

I have, &c.
John Bidwell, Esq. (Signed) CHS. WESSELHOEFT.
&c. &c. &c.

Enclosure in No. 76.

Copy of a Letter from Mr. James B. Boyes, the Acting British Vice-Consul at Bremen, dated May 10, 1841, *to Mr. Charles Wesselhoeft, at Hamburgh.*

I THINK it my duty to advise you that Lieutenant James P. Thurburn has brought into the Weser the Bremen barque "*Julius and Edward*," Captain R. Siedenburg, from the West Coast of Africa, on the suspicion of carrying unlawful cargo destined for use in the Slave Trade.

Lieutenant Thurburn has addressed himself to me; and as this is the first case of the kind, I beg you will by return mention to me if anything particular is necessary to be done.

Lieutenant Thurburn will denounce the case to-morrow morning to the court of justice.

Awaiting your kind advice upon this case, by return of mail,

I remain, &c.

No. 77.

Lord Leveson to Mr. Wesselhoeft.

SIR, *Foreign Office, May* 26, 1

I AM directed by Viscount Palmerston to acknowledge the receipt letter which you addressed to Mr. Bidwell on the 11th instant, enclosing a

of a letter from Her Majesty's Acting Vice-Consul at Bremen, announcing that the Bremen barque "*Julius and Edward*," captured on the West Coast of Africa, on suspicion of Slave Trade, had arrived in the River Weser, and inquiring if anything particular is necessary to be done by him in the case.

I am to state to you in reply that, assuming that Lieutenant Thurburn has reason to believe that the vessel was engaged in the Slave Trade, or had been fitted out for that traffic, and that Lieutenant Thurburn was furnished with instructions authorizing him to detain such vessels under the Treaty of the 8th of June, 1837, with the Hanse Towns, it is now the duty of Lieutenant Thurburn to deliver over the vessel in question to the proper authorities at Bremen, in order that proceedings may be there instituted in regard to her according to the law of that country; and also to deliver to those authorities a copy signed by him of all the lists, declarations, and other documents specified in the instructions annexed to the Convention with France of the 22nd of March, 1833.

But I am to add that, under the circumstances, it does not appear that Her Majesty's consular authorities, either at Hamburgh or Bremen, are called up to interfere in the matter, otherwise than by giving their best advice upon the subject, if required.

I have, &c.
(Signed) LEVESON.

Charles Wesselhoeft, Esq.,
&c. &c. &c.

No. 78.

Mr. Colquhoun to Viscount Palmerston.

St. James's Place, May 24, 1841.
(*Received May* 26.)

My Lord,

I have the honour to transmit a copy of a letter received from Mr. Sieveking, Syndic Secretary of State for Foreign Affairs at Hamburg, instructing me to apply officially for information on the subject of the "*Echo*," of Hamburg, detained at Sierra Leone on a charge of Slave Trading, and cited before a Court of Vice-Admiralty there, in alleged contravention of the Hanseatic treaty for the abolition of the Slave Trade.

I have, &c.
(Signed) J. COLQUHOUN.

The Right Hon. Viscount Palmerston, G.C.B.,
&c. &c. &c.

Enclosure in No. 78.

M. Sieveking to Mr. Colquhoun.

Hamburg, May 21, 1841.

Sir,

The Hamburg barque "*Echo*," Christian Gottlieb August Sohst, master, having lawfully cleared out from the port of Sierra Leone for Havana, was on the 13th of January, when in charge of the pilot, ordered back into the harbour, and prosecuted in a Vice-Admiralty Court, under the pretence of having been engaged in and fitted out for the Slave Trade, and otherwise aiding and abetting the Slave Trade, contrary to an act passed in the 5th year of the reign of George IV. The owner of the said barque, Frederick Ballauf, a Hamburg citizen, complains of a stretch of power, which, according to Art. 1., sub. 1. of the Slave Trade Suppression Treaty between Great Britain and France, bearing date 30th of November, 1831, to which the Hanse Towns acceded on the 9th of June, 1837, he considers contrary to Articles 2, 4, 6, 7 of the said treaty, Article 3 of the Instructions to Cruisers annexed to the subsequent Convention of March 22, 1833, and Article 2 of the Hanseatic Treaty of Accession.

The Senate of Hamburg, concurring most earnestly with Her Britannic Majesty's Government in the humane object of these treaties, but owing, on the other side, protection to the lawful navigation of Hamburg citizens on the coast

of Africa, as well as in less suspicious quarters, authorises you to inquire officially into the merits of the case.

I have, &c.

James Colquhoun, Esq., (Signed) K. SIEVEKING.
&c. &c. &c.

No. 79.

Mr. Wesselhoeft to Mr. Bidwell,

Hamburgh, 25 *May*, 1841.

SIR, (*Received May* 28.)

I HAVE the honour to enclose, for the information of Viscount Palmerston, the copy of a letter from Lieutenant Thurburn, of Her Majesty's sloop "Persian," on the subject of the trial now pending at the courts of Bremen, of the Bremen bark "*Julius and Edward,*" for aiding and abetting in the Slave Trade.

I likewise enclose a copy of Mr. Symonds's declaration, setting forth all the circumstances under which the said bark "*Julius and Edward*" has been seized by him, contained in Lieutenant Thurburn's letter.

Lieutenant Thurburn has expressed a request, as you will observe from his letter, to obtain evidence from England about an American vessel called the "*Plant,*" which was condemned last year at Sierra Leone for being engaged in the Slave Trade, and especially of Mr. *Tyng* having been the owner of the cargo, as a proof of his being engaged in *that* trade. Mr. Tyng is likewise the shipper of the cargo of the "*Julius and Edward,*" now under trial. He thinks that a document drawn up to that effect at the Foreign Office, which will most undoubtedly be acquainted with the circumstances, will be of use to him in the prosecution of the present case.

I have, &c.

John Bidwell, Esq., (Signed) CHS. WESSELHOEFT,
&c. &c. &c. *Acting British Consul.*

First Enclosure in No. 79.

Copy of a Letter from Lieutenant James Thurburn, of Her Majesty's sloop "Persian," to Mr. Charles Wesselhoeft, dated Bremen, May 22, 1841.

SIR,

WHEN writing my last letter I was rather pressed for time. I now take the liberty of forwarding you a copy of the Commander of the "Persian's" declaration; the grounds of suspicion and detention therein specified have already been proved to the Court, viz. the water-casks and demijohns found capable of containing, by the measure of this place, about 3460 English gallons, the slave-tins, by my evidence, and of the men under my charge, are sufficient for a vessel carrying 600 slaves, the coppers are larger than necessary for a merchant-vessel, and still it appears to me that they wish to liberate the vessel.

I should feel obliged if you would procure evidence from England of an American vessel, called the "*Plant,*" which was condemned at Sierra Leone last year for being engaged in the Slave Trade, as Mr. Tyng was the owner of the cargo, and it would prove his being engaged in that trade: no doubt the papers relating to her have been in England some time, and at the Foreign Office they could easily draw up a document to that effect.

I forwarded a letter of introduction to Syndic Sieveking, and requested him to give me his opinion on this subject, as he will feel interested in the punctual fulfilment of the treaty, being the plenipotentiary for the Hanse Towns in drawing it up, and should you be acquainted with him, you may be able to get him to urge the matter with the Senate of this place, particularly as they do not seem to understand the treaties; the word *kids* has puzzled Judge Iken, although I have explained to him the definition of it on board ship, viz. an article made of metal, usually tin, for eating or drinking out of, and those on board the "*Julius and Edward*" are the same as in all slave-vessels.

I shall thank you to inform me the names of the officers in charge of the vessels detained under the Hamburgh colours, and to the likely mode of proceeding for their trial.

I am, &c.

Charles Wesselhoeft, Esq., (Signed) JAMES THURBURN.
&c. &c. &c.

(Copy.) Second Enclosure in No. 79.

I, THOMAS EDWARD SYMONDS, acting Commander of Her Majesty's sloop "Persian," hereby declare, that on the 15th day of February, 1841, off Cabenda, W. coast of Africa, being in or about lat. 5° 36′ S., long. 11° 44′ E., I detained the bark named the "*Julius and Edward*," sailing under Bremen colours, commanded by R. Siedenburg, who declared her to be bound from Havana to Cabenda, with a crew consisting of 11 men, 2 boys, and 2 passengers, whose names, as declared by them respectively, are inserted in a list at foot hereof; I do further declare that the said bark appeared to be seaworthy, and was supplied with a sufficient stock of water and provisions for the support of the said crew on their destined voyage to Cabenda.

I further declare, that I discovered on searching the said vessel that she carries a much greater quantity of water in casks than is requisite for her use as a merchant-vessel, they being capable of containing upwards of 4000 gallons, being equal to eight months' consumption, at one gallon per man per diem, which is contrary to the 6th Paragraph of the 6th Article of Supplementary Convention of the 22nd of March, 1833, agreed to under the accessory Convention of the free and Hanseatic cities of Lubeck, Bremen, and Hamburgh, signed at Hamburgh the 9th of June, 1837. I further declare that her cargo is shipped by Mr. Charles Tyng, of Havana, a well-known shipper of slave-cargoes (the "Persian" having already seized and condemned in the Court of Sierra Leone a vessel under American colours, with a cargo belonging to the said Mr. Tyng, intended for the use of the Slave Trade), and that the said cargo is Spanish property, and consigned to Spanish slave-dealers on the coast of Africa; and I further declare it to be my firm and conscientious belief that the said cargo is intended to aid and abet the Slave Trade, inasmuch as it consists amongst other things of an immense number of tins used by the slaves on board ship, and known by the term slave-tins; she has also a large number of empty bags for the shipment of farina, Indian corn, or rice, such as are generally found in slavers; she has also 200 demijohns, neither for which, nor the extra number of water casks, does the master produce a certificate from the custom-house at the place at which she cleared outwards, stating that a sufficient security had been given by the owner of such vessel that such casks or other vessels should only be used for the reception of palm-oil, or be employed in any other legal trade, agreeably to the 6th Paragraph already referred to; and although her coppers appear to have been shipped at Bremen, still they are evidently larger than requisite for her crew as a merchant-vessel.

List of crew—

R. Siedenburg, *Master*,
&c.

(Signed) THOS. E. SYMONDS, *Acting Commander.*

Witness,—

JAMES THURBURN, *Lieutenant.*
JOHN BURDWOOD, *Master.*

No. 80.

Mr. Bidwell to Mr. Colquhoun.

SIR, *Foreign Office, June* 1, 1841.

I AM directed by Viscount Palmerston to acknowledge the receipt of your Letter of the 24th instant, requesting information on the subject of the "*Echo*," of Hamburgh, said to have been detained at Sierra Leone on a charge of slave-trading; and I am to state to you in reply that no information has yet

reached this office relative to the detention of the vessel in question at Sierra Leone; but as soon as a statement of the facts shall be received it will be communicated to you for the information of the authorities of Hamburgh.

I am, &c.

To James Colquhoun, Esq. (Signed) JOHN BIDWELL.
&c. &c. &c.

No. 81.

Mr. Colquhoun to Viscount Palmerston.

St. James's Place, June 2, 1841.

My Lord, *(Received June 7.)*

I have the honour to transmit to your Lordship a Copy of a Letter from Mr. Syndicus Sieveking, containing the copy of a petition to the Senate, from the owners of the bark "*Echo*," of Hamburgh, with the copy of a letter from Captain Sohst, the master, stating the circumstances attending the seizure and condemnation of the vessel at Sierra Leone on a charge of slave-trading.

I transmit also translations of the petition and letter before mentioned.

I have the honour to acknowledge and to thank your Lordship for the assurance, through Mr. Bidwell, that you would communicate, as soon as received by your Lordship, information as to the detention of the "*Echo*," in reply to my letter enclosing a copy of one from Mr. Syndicus Sieveking, desiring me to make inquiries relating thereto.

The more than cordial co-operation on the part of the Senates, and the immediate ratification of the Slave Trade Suppression Accession Treaty by the respective burghershafts, evinced their anxiety to promote the views of Her Majesty's Government; indeed the traffic is held in the greatest detestation in the Hanse Towns, no Hanseatic vessels having even incurred the imputation of being accessory to the Slave Trade, and are unfit for it, being heavy sailors.

To receive, then, intimations within a period of three weeks that three Hanseatic vessels had been seized for slave-trading, and that one of them had been condemned and sold, on the evidence of a boy of bad character to what the master declares to be untrue, viz. that he had false papers on board, none having been found on ransacking the vessel, while the master and mate were imprisoned, in a climate sufficiently fatal to Europeans without that confinement, contrary, it is maintained, to law and to the Treaty of Accession—has produced amost painful sensation among the shipping and commercial community in the Hanse Towns, who feel that there can be no safety at present in visiting British ports in, or in carrying on a legal trade on, the coast of Africa, even their legitimate trade with Brazil, Puerto Rico, and Havannah, whither vessels fitted up for emigrants going lawfully in search of return cargoes may be interrupted, and their vessels detained on suspicion, and sent home for adjudication.

I am, therefore, instructed very respectfully to address myself to your Lordship, to request that you will be pleased to procure for the authorities at Hamburgh a copy of the proceedings of the Vice-Admiralty Court at Sierra Leone, in conformity with the 10th Article of the French Slave Trade Suppression Convention of the 22nd March, 1833, annexed; and it is the more desirable that this document should be furnished as early as possible, in order that the facts of the case, as established before the Sierra Leone tribunal, may be known in the Hanse Towns, for the future guidance of those interested.

I take this opportunity of sending a copy of a correspondence which has passed between Lieutenant Thurburn, of the "Persian," and Mr. Secretary Syndicus Sieveking, on the detention of the "*Julius and Edward*," of Bremen, fitted up and used as an emigrant vessel, accused of slave-trading, from the similarity of their equipment.

I have, &c.

(Signed) J. COLQUHOUN.

The Right Hon. Viscount Palmerston, G.C.B.,
&c. &c. &c.

Article 10 (Herslet, vol. iv, p. 120).—"The two Governments engage reciprocally to communicate each to the other, free of expense and upon application being made, copies of all the proceedings instituted, and judgments given, relative to vessels visited or detained in execution of the provisions of the Convention of the 10th November, 1831, and of the present Convention."

First Enclosure in No. 81.

Mr. Sieveking to Mr. Colquhoun.

SIR, *Hamburgh, May* 28, 1841.

BY my Despatch of the 21st instant you have been authorized to inquire officially into the case of the Hamburgh bark "*Echo,*" Christian Gottlieb August Sohst, master, detained at Sierra Leone on suspicion of abetting the Slave Trade. From the enclosed petition, presented to the Senate by the owner of the said bark, to which is joined a letter from the master, it appears that the said bark has not been delivered over to the jurisdiction of Hamburgh, as from the Treaty of Accession the Senate might have expected, but has been condemned by a decision of the British Court of Vice-Admiralty. Without anticipating upon a more mature consideration of the case, and applying to it as yet the provisions of the 9th article of the Supplementary Convention between Great Britain and France, bearing date the 22nd of March, 1833, to which the Hanse Towns acceded, there is no doubt that the British Government will, in accordance with the 10th Article of the said Convention, communicate upon your application, with the least possible delay, and free of expense, copies of all proceedings and the judgment given on the said bark. This communication you are authorized to insist upon.

As soon as a formal declaration on oath of the master and crew concerning the abuses and vexations of which the former complains, or, if compulsory circumstances should prevent the master from making his declaration, that of the owner, or any person interested in the vessel or in her cargo, shall be laid before the British Government, an impartial inquiry into the first instance of the Hamburgh flag being committed by a connection with the Slave Trade can be the less dispensed with, as doubts on the demarcation between the legal and illicit traffic with the coast of Africa, if not dispelled, might, instead of securing the cordial co-operation of the commercial interest of Hamburgh, leave in their mind feelings by which the object of both Governments would ultimately be defeated.

I have, &c.

James Colquhoun, Esq., (Signed) K. SIEVEKING.
&c. &c. &c.

Second Enclosure in No. 81.

(Translation.)

The humble Petition of Justus Frederick Ballauf, Owner of the Hamburgh bark "Echo," *to the Senate of the free Hanseatic City of Hamburgh, concerning the said Vessel.*

VENERABLE SIRS, *Hamburgh, May* 26, 1841.

BY the English post of the 21st instant, which arrived here on the 24th instant, I received the annexed letter from Captain Sohst, dated at Sierra Leone on the 14th March, informing me that the condemnation of the "*Echo*" was decreed by the Court there on the 5th of March, and that the sale of my fine and valuable vessel would take place in consequence of that judgment. The ground of the condemnation was, that the ship had had false papers. This communication must, of course, the more deeply have affected me, inasmuch as, if the ship has really been condemned for the reason stated by Captain Sohst, and therefore, which I cannot but assume, she has not been deemed a genuine Hamburgh vessel, but one carrying false and pretended Hamburgh papers, such a decision is erroneous, and consequently the condemnation of

my ship is an unjust one. The case must also appear harder, since, according to the same letter, the personal liberty, and, in consequence of the unhealthy climate, even the life, of the captain and chief mate, who were still there, are most seriously endangered.

I confidently trust, therefore, that the Senate will not confine itself to a mere inquiry from the British Government upon the affair of my ship, but be pleased to afford it its powerful mediation.

Referring generally to the details contained in my former petition, I take the liberty merely to repeat, that, as my ship, having cleared out in due form from the port of Sierra Leone, had already left that port at the time when she was taken back there, the seizure of her without doubt took place on that part of the coast pointed out in the first paragraph of the first article of the Convention of the 30th November, 1831; and that the tendency of the Treaty of Accession, next to the primary object, viz. to prevent slave-trading, is to protect the navigation of those states acceding to the Treaty against arbitrary seizures by foreign nations on those parts of the coast pointed out—seizures, which the law of nations does not justify.

I have, &c.
(Signed) J. F. BALLAUF.

Third Enclosure in No. 81.

(Translation.)

Mr. C. G. A. Sohst to J. F. Ballauf.

SIR, *Sierra Leone, March* 14, 1841.

I REGRET that I have to communicate to you the unfortunate intelligence that on the 5th instant the "*Echo*" was condemned, and merely upon the lying assertion of the boy, H. Weidemann, that the ship had false papers on board. The "*Echo*" was most strictly examined, and several places in the cabin broken open, but nothing was found: and naturally so; because I neither had nor have had any false papers. But this circumstance will show how unjustly things are managed here. Every official person seeks only to enrich himself. The Governor certainly detained the "*Echo*," and had she been liberated he would have had to pay all the expenses; but as she is now condemned, and you will certainly gain the cause in England, or rather the underwriters, whom the matter now concerns, the English Government must pay all the compensation for losses.

On the 6th instant I was, without further ado, thrown into prison among thieves and murderers. Bail was refused. The prison is a place where the healthiest European must lose his health; and in my opinion it is the wish of the Governor that I should die here.

On the 8th instant my chief mate, P. T. Hausmann, was brought to the same prison. They wanted to get the second mate as well, but he had already sailed for London in an English vessel.

On the 9th instant Mr. J. Thorpe (Advocate) and Mr. Kitt (merchant) had so far succeeded with Dr. Volkersen, who had caused us to be arrested, that he accepted bail from those two gentlemen, and I was discharged in the evening.

The next day I attempted to get the mate liberated: I found that Mr. M'Donnel, the Governor's secretary, had caused him to be confined. So I went to the secretary; and when he saw me, he was surprised to find that I was out of prison. I offered him every possible bail from Mr. Thorpe and Mr. Kitt, which however he would not accept; and he assured me that if it had been in his power I should not have been let out of gaol. The poor fellow must therefore remain in confinement until the 20th or 24th instant, when the Grand Court is to be holden, where I must appear, and judgment be passed upon me. If I am found guilty, I know not what fate will await me; if I am declared innocent, I shall be discharged, and shall come to Hamburgh as soon as possible. I must, however, make my mind up for the worst in this place.

Since I have been let out of prison I have again had the fever to a very great degree: I am so enfeebled that I can scarcely walk.

The chronometer and telescope have been restored to me. The ship is to

be sold next week. Every thinking person perceives now that the affair of the "*Echo*" has been conducted in a most unjust manner, but no one has the courage or ventures to say so openly. Things here cannot be compared better than with those during the times of the Spanish Inquisition. The boy Weidemann has already done so many silly tricks here and falsified things, that he is now despised even by the common negroes.

Have the goodness to tell my wife that I expect soon to be in Hamburgh; but pray do not let her know that I have been again ill, or that I have been imprisoned.

I have, &c.
(Signed) C. G. A. SOHST.

Mr. J. F. Ballauf, Hamburgh.

Fourth Enclosure in No. 81.

Lieut. Thurburn to Mr. Sieveking.

SIR, *Bremen, May* 20, 1841.

I TAKE the liberty of enclosing a letter of introduction from Dr. Bowring, and hope to have the pleasure of waiting on you on my way through Hamburgh; at present I shall thank you for any advice which you would be kind enough to offer respecting the Bremen barque "*Julius and Edward*," which I have brought to this port, detained conformably to the existing Treaties on suspicion of being engaged in the Slave Trade.

The plain facts of the case are that the cargo was shipped at Havannah by a notorious slave dealer, Mr. Tyng, and consigned to slave dealers on the coast of Africa. She has on board a large quantity of tins for feeding slaves, sufficient for a vessel carrying 600 slaves; but the Court seem to hanker upon the word "tins," it not being mentioned in the Treaties, although the mess kids are generally made of that article, and which I have proved to the Court are the identical articles used on board all slave vessels. She has also a great quantity of water casks, and larger coppers than necessary for the use of her crew; for which the captain makes the excuse that she had been employed in conveying emigrants to America. This appears a very plausible excuse; but I do not think it ought to have any weight in passing sentence, as she is just the description of vessel which would entice a Spanish slave-dealer.

I have taken the liberty to remark to the Court that they must not be guided entirely by the actual articles on board, as specified in the Treaties, as few vessels engaged in this Trade have them on board, as they make all the shackles on the coast, the iron for which formed a large portion of the "*Julius and Edward's*" cargo.

Farina is an article which is obtained on the coast; therefore the "*Julius and Edward*" has brought a great number of bags for the shipment of it.

Half the evidence which has been brought against the "*Julius and Edward*" would condemn, and has condemned, English vessels; and if you can offer me any assistance in this case, I shall feel greatly obliged.

I beg you will excuse the liberty which I have taken in thus addressing you, but the anxiety which I feel, and the circumstance of your having formed the Treaties, will, I hope, plead an excuse.

I have, &c.
(Signed) JAMES THURBURN,
Lieutenant of Her Majesty's sloop "Persian."

His Magnificence Mr. Syndicus Sieveking,
&c. &c. &c.

Fifth Enclosure in No. 81.

Mr. Sieveking to Lieutenant Thurburn.

SIR, *Hamburgh, May* 24, 1841.

I HAVE received your favour of the 20th instant, enclosing Dr. Bowring's lines of introduction. I shall be most happy to show you, upon your passage

through Hamburgh, how highly I value a ticket of hospitality of our common friend.

Not prepared to give an opinion on the capture of the "*Julius and Edward*," I can only express my apprehension that the course recently adopted by the slave dealers of Cuba and Brazil to carry on the import and export trade of the coast of Africa in different vessels, a course by which the ignorance or cupidity of the masters of Hanseatic vessels might easily be induced indirectly to abet the illicit traffic, has not been contemplated in most of the international stipulations by which the Court is to be guided.

The tins which you identify with the mess kids, the water casks, and copper boilers may, perhaps, in some respects be accounted for by almost the whole of the Bremen shipping being employed in the transport of emigrants to America.

During the negotiation of the Treaty, in order to allay the fears expressed by the Bremen shipping interest, I proposed to insert the following clause :—

"As the articles specified in Article 6 of the Convention of March 22, 1833, may be found on board of vessels employed to carry free emigrants, the fact of a vessel being so employed, if proved by the papers on board, shall be held, in the absence of unequivocal indications to the contrary, to do away with the presumption that she is engaged in the Slave Trade."

The motive alleged in the British Plenipotentiary's note of the 20th of September, 1836, for refusing the consent to such a reservation possibly furnishing a pretence to the slave dealer, was the conviction that a vessel fitted to carry free emigrants from the Hanse Towns never would run the slightest risk of being interrupted in her voyage by any of the cruisers. Relying on this conviction expressed by His Britannic Majesty's Government, I was authorised to waive the stipulation, considered as superfluous and objectionable. The British Plenipotentiary, however, on the 7th of November, 1837, acquiesced in the proposal of the Bremen passenger vessels being provided with a certificate of their own Government, enumerating as unsuspicious the particulars of the 6th Article, even if kept on board after leaving the port of their first destination, adding that, with such a certificate and a reference to the above-mentioned note of the 20th of September, 1836, to which recourse could always be had, he thought the merchants of Bremen might be satisfied.

The possession of such a certificate ought, therefore, to be considered by the Court as invalidating the presumption you derive from the "*Julius and Edward*" being just the description of vessel which would entice a Spanish slave dealer.

With respect to the number of water casks on board a German vessel, I must call your attention to a regulation concerning the Transatlantic transport of passengers from Hamburgh, enacted on the 27th of February, 1837, which, in Article 3 of the 2nd Annex, in consideration of the Germans being accustomed to the cooking of a larger quantity of vegetables, allows a surplus of one-half beyond the water which by British vessels would be considered a liberal supply. I have no doubt that the same national custom must have occasioned a similar regulation in Bremen.

I doubt whether the Court will consider as sufficient evidence the iron, because shackles may be made from it on the coast; or bags, because they may be employed for the shipment of farina.

According to the tenor of the Treaty, the transport of articles not expressly enumerated as suspicious, unassisted by positive proof of the master's intention to carry back a cargo of slaves from the coast of Africa, must still be considered as lawful commerce. You are certainly right in presuming that even such lawful commerce between Cuba and the African Coast is very likely indirectly to abet the illicit traffic in slaves. But the same may be said of every, even apparently the most innocent, intercourse with a country paying its commercial balance in slaves.

Whatever may be the result of the trial, from the horror in which the Slave Trade is held in the Hanse Towns, you may rely on its fairness. At all events, I hope the detention, especially if followed by some security for the *bonâ fide* lawful Hanseatic commerce, will prove a salutary check upon a first step, possibly leading to a criminal career.

I have, &c.
(Signed) K. SIEVEKING.

Lieutenant James Thurburn, of Her Britannic Majesty's sloop "Persian," at Bremen.

No. 82.

Mr. Colquhoun to Viscount Palmerston.

St. James's Place, June 6, 1841.

MY LORD, (*Received June* 10.)

I HAVE the honour to refer to my letter of the 2nd instant and its enclosures on the subject of the "*Echo*," a Hamburgh vessel, which appears from the report of the master to have been detained by the authorities at Sierra Leone, and condemned to be sold by the Vice-Admiralty Court there. There are certain discrepancies connected with this case which induce me to solicit your Lordship's favourable consideration to it.

Some time ago a gentleman from Hamburgh called my attention to the detention of this vessel, after having cleared out and sailed from the port, on the ground of her being fitted up as a slaver. The merchant pressed me to represent the case to your Lordship, which I declined to do until I should have received instructions from my Government thereupon.

It appears that the "*Echo*" is one of the class of Hanseatic vessels fitted up for the accommodation of emigrants; these vessels are usually heavy sailers, and, except as regards their fittings up, unfit for slavers.

The Hamburgh merchant stated to me that she had been detained on account of those fittings. The master, on the other hand, states that she was detained and has been condemned on account of her having two sets of papers, a charge, he says, that was not substantiated. It would seem that the "*Echo*" has been condemned in the Vice-Admiralty Court, and I infer under the 5th Geo. IV., c. 113, for the Abolition of the Slave Trade. I submit whether the jurisdiction of the Vice-Admiralty Court extend to Hanseatic vessels since the ratifications exchange of the Hanseatic Slave Trade Abolition Accession Treaty, and whether the "*Echo*" should not have been sent to Cuxhaven for adjudication.

The captain of the "*Echo*" reports that not only has his vessel been condemned and ordered to be sold, but that himself, his mate, and crew have been proceeded against criminally, the penalty being 14 years' transportation; subject meanwhile, in case of conviction, to a detention in the prison of the baneful climate of Sierra Leone till an opportunity shall offer of sending them to a penal settlement. As more than a doubt hangs over the jurisdiction of the Court and the legality of the decision and the criminality of the accused, I respectfully submit that, while it would not interfere with the course of justice, that it would be an act of humanity, as well as of policy, that the Governor of Sierra Leone should be instructed to send these persons to England to await the final investigation of this case; because should they prove morally innocent, and should the master, or mate, or others of the crew die in prison at Sierra Leone, or be sent to a British penal settlement, I respectfully submit that, independently of the damages claimed by the owner of the vessel for her value, &c., the widows and families of the sufferers would have a just right to pecuniary indemnification for the loss of their husbands in part compensation for the consequent deprivation of their support; but the effect of any irregularity leading to the condemnation of Hanseatic ships and the punishment of their crews would, as Mr. Sieveking observes, "by creating doubts as to the demarcation between the legal and illicit traffic with the coast of Africa, if not dispelled, instead of securing the cordial co-operation of the commercial interest of Hamburgh, leave in their minds feelings by which the objects of the Governments would ultimately be defeated."

I would, therefore, submit that as the late Governor of Sierra Leone, Colonel Doherty, so highly esteemed as a just man and a distinguished officer, is at present in this country, and was at Sierra Leone during the detention of the "*Echo*," a reference of the papers to him would establish the accuracy of the statements respecting which there is a discrepancy, and especially whether any change in the fittings by the addition of spare planks for making a false deck *or otherwise* had been made since the "*Echo*" reached her destination with emigrants, so as to convert her into a slaver, had taken place, or had she committed any overt act since she arrived off the coast of Africa; if not, I apprehend that no Court of Admiralty, or other court, could have any jurisdiction over her, either by municipal law, or by the law of nations, or by treaty. 2nd. That the Governor of Sierra Leone may be instructed to send home all the

papers relating to the detention and condemnation of the "*Echo*," and to the trial of the master and crew, and the result thereof, verified on oath. 3rd. That if the Court shall have found the master, mate, and crew guilty, and has passed sentence, that they may be sent to England to await the decision of Her Majesty's Government as to their future disposal, according to Treaty.

In regard to the future security of Hanseatic vessels from interruption, I would conclude this letter by referring your Lordship to the copy of a letter on this subject from Mr. Syndicus Sieveking to Mr. Thurburn, dated the 20th of May last (communicated in extenso by me to your Lordship in my letter of the 2nd instant), referring to the certificates of protection to emigrant vessels, the possession of which ought to have secured to them peaceful voyages, provided they had been exhibited to the captains of Her Majesty's vessels or to the Court at Sierra Leone, and provided Her Majesty's officers and the Admiralty Courts had instructions to respect them.

I have, &c.

(Signed) J. COLQUHOUN.

The Right Hon. Viscount Palmerston, G.C.B.,
&c. &c. &c.

P.S. Your Lordship is aware that there has been, and perhaps is now, an agent from Jamaica (Mr. Barclay) and one from Trinidad at Sierra Leone to procure black emigrants for the West Indies from the African Coast. It is more than probable that Hanseatic vessels being already fitted up for emigrants, like the "*Echo*," will be attracted thither, and will go there on a venture in search of emigrant freights. The "*Echo*" had, I have been told, between 30 and 40 passengers on board, whites, when seized, and she was precisely the sort of vessel which a Governor would select to carry out black troops, being fitted for passengers, and would have accommodated free black emigrants.

No. 83.

Mr. Colquhoun to Viscount Palmerston.

St. James's Place, June 11, 1841.

My Lord, (*Received June* 12.)

I have the honour to transmit to your Lordship the copy of a letter, dated the 8th instant, addressed to me by Mr. Syndicus Sieveking, stating the condemnation of the "*Echo*," the sale of the vessel for 2560*l.*; the master and mate have been tried and acquitted. The owner, supposing that the verdict of the jury may have a favourable impression on the view of the case which may be taken by Her Majesty's Government, has applied to the Senate to address your Lordship on the subject, soliciting that you will be pleased to refer the condemnation and sale by the Court at Sierra Leone for the consideration of Her Majesty's law advisers, in order that their opinion may be taken how far the seizure and condemnation of the "*Echo*" is consistent with the Hanseatic Treaty of accession to the Convention for the Suppression of the Slave Trade.

I have, &c.

(Signed) J. COLQUHOUN

The Right Hon. Viscount Palmerston, G.C.B.,
&c. &c. &c.

Enclosure in No. 83.

Mr. Sieveking to Mr. Colquhoun.

Sir, *Hamburgh, June* 8, 1841.

C. G. H. Sohst, master of the "*Echo*," on 30th of March, writes to J. F. Ballauf at Hamburgh, the owner of the said barque, that the condemnation, on the 5th of the said month, has taken place, not upon the evidence of the boy Weidemann, in which the suspicion of false papers seems to have origin-

ated, but under pretence of her abetting the illicit traffic of slaves. On the 18th of March the "*Echo*" was publicly sold at the price of 2560*l.*, to a Sierra Leone merchant, of the name of Lemann, who intends sending her to London. The inventory was taken out and sold separately. On the 24th of March the master and mate were called before a grand court and tried, according to the master's impression, under the charge of conspiring with the owner in fitting out the vessel for the Slave Trade. The jury, one-half of which was composed of aliens, declared the master and mate not guilty. They were immediately released, and if not retained by disease, intended as soon as possible to return to Hamburgh. The owner, supposing that the favourable verdict of the jury may exercise some influence on the view to be taken by the lawyers of the Crown, requested the Senate to communicate these facts to Her Britannic Majesty's Government before any decision was given on the question whether the seizure and condemnation of the "*Echo*," at Sierra Leone, may be considered as consistent with the Hanseatic Treaty of Accession to the Conventions for the Suppression of the Slave Trade.

I have, &c.
(Signed) K. SIEVEKING.

No. 84.

Viscount Palmerston to Mr. Colquhoun.

SIR, *Foreign Office, July* 19, 1841.

I TRANSMITTED to Her Majesty's law advisers the several letters which you addressed to me under dates of the 24th of May, and 2nd, 6th, and 11th of June last, respecting the Hamburgh barque "*Echo*," alleged to have been detained by the authorities at Sierra Leone, and to have been condemned in the Vice-Admiralty Court at that place, under the Act of the 5th George IV., c. 113; and in conformity with the desire expressed in your letter of the 11th of June, I requested the opinion of Her Majesty's law advisers, whether the seizure and condemnation of the "*Echo*," under the circumstances stated in the papers sent by you, were consistent with the Treaty by which the Hanse Towns acceded to the Conventions between Great Britain and France on Slave Trade; and I have now to state to you that the law advisers of the Crown have reported their opinion that the Conventions of the 30th of November, 1831, and the 22nd of March, 1833, between Great Britain and France, for the more effectual suppression of the Slave Trade, do not apply to the cases of ships seized within British territory for offences alleged to have been committed within such territory. And if, therefore, as it would appear by your letters on the subject, the "*Echo*" was detained whilst at Sierra Leone, on a charge of being there concerned in the illicit traffic in slaves, the Vice-Admiralty Court in that colony was competent to adjudicate the case of the "*Echo*." But if the parties who are interested in the "*Echo*" think that the judgment of the Court was erroneous, they have their remedy in an appeal to the Supreme Court in this country.

I have, &c.
James Colquhoun, Esq., (Signed) PALMERSTON.
&c. &c. &c.

No. 85.

Viscount Palmerston to M. Wesselhoeft.

SIR, *Foreign Office, July* 19, 1841.

WITH reference to your Despatch of the 30th of March last, respecting the Hamburgh barque "*Echo*," said to have been detained at Sierra Leone on a charge of being concerned in Slave Trade, I herewith transmit to you, for your information, a copy of a letter which I have this day addressed to Mr. Colquhoun.

I have, &c.
M. Wesselhoeft, (Signed) PALMERSTON.
&c. &c.

Enclosure in No. 85.

Viscount Palmerston to Mr. Colquhoun, July 19, 1841.

(No. 84.)

No. 86.

Mr. Colquhoun to Viscount Palmerston.

St. James's-place, July 27, 1841.

MY LORD, (*Received July* 29, 1841.)

I HAVE the honour to transmit to your Lordship a copy of a letter, dated the 21st inst., stating that 10 out of 14 passengers on board the "*Louise*" at the time of her detention by Her Majesty's ship "Grecian," have not been delivered to the Hamburgh authorities, and requesting to know why they were not sent to Hamburgh.

I have, &c.
(Signed) J. COLQUHOUN.

The Right Hon. Viscount Palmerston, G.C.B.,
&c. &c. &c.

Enclosure in No. 86.

Mr. Sieveking to Mr. Colquhoun.

SIR, *Hamburgh, July* 21, 1841.

ACCORDING to official statements on the detention of the Hamburgh barque "*Louise*," Boyes master, in consequence of the Convention for the Suppression of the Slave Trade, by Her Majesty's brig "Grecian," on the high seas, in the vicinity of the Brazilian harbour of Rio de Janeiro, 14 passengers, including a negro servant, were found on board; only four of these have been delivered to the Hamburgh authorities by Her Majesty's cutter "Nesley." The Court before which the proceedings concerning the detained vessel have been instituted having, in vain, expected the arrival of the other 10, wishes to know where these passengers have been left, and from what motive they have not been sent to Hamburgh. The Senate authorises you officially to submit this inquiry to the proper department.

I have, &c.
James Colquhoun, Esq., (Signed) K. SIEVEKING.
&c. &c. &c.

No. 87.

Lord Leveson to Her Majesty's Consul, Hamburgh.

SIR, *Foreign Office, August* 4, 1841.

WITH reference to M. Wesselhaeft's Despatch of the 25th of May, 1841, on the subject of the Bremen barque "*Julius and Edward*," I am directed by Viscount Palmerston to state to you that Lieutenant Thurburn has been furnished with extracts from documents existing in this office, according to his application respecting the alleged connexion of M. Tyng with Slave Trade transactions.

I am, &c.
Her Majesty's Consul, Hamburgh. (Signed) LEVESON.

No. 88.

Viscount Palmerston to Mr. Colquhoun.

SIR, *Foreign Office, August* 5, 1841.

I HAVE received your letter of the 27th ultimo, inquiring what became of ten persons who were found on board the Hamburgh barque "*Louise*," and were not sent to Hamburgh.

I have transmitted your letter to the proper department of Her Majesty's Government, in order that the necessary inquiries may be made upon the subject, and I shall lose no time in communicating further with you when I shall have learnt the result of that inquiry.

I am, &c.

James Colquhoun, Esq. (Signed) PALMERSTON.
&c. &c.

No. 89.

Viscount Palmerston to Mr. Colquhoun.

SIR, *Foreign Office, August* 13, 1841.

WITH reference to my letter to you of the 5th instant, informing you that inquiries would be made by Her Majesty's Government as to what became of ten persons who were found on board the Hamburgh barque "*Louise*," and were not sent to Hamburgh, I have now to acquaint you that, by the latest accounts received from Rio de Janeiro on the subject, the ten persons in question were awaiting an opportunity for being sent to Hamburgh.

I have, &c.

James Colquhoun, Esq. (Signed) PALMERSTON.
&c. &c.

No. 90.

Mr. Colquhoun to Viscount Palmerston.

MY LORD, *St. James's Place, May* 12, 1841.
(*Received August* 19.)

HAVING applied to your Lordship that instructions might be given to the Admiralty to cause the "*Louise*," detained by Her Majesty's ship "Grecian," and carried into Plymouth under an alleged infringement of the Slave Trade Abolition Treaty with the Hanse Towns, to be dealt with according to the provisions thereof; and having been urged by parties interested here to address your Lordship to complain of the circumstances which led to her detention, and the refusal on the part of the officer in charge to allow of any letters being sent by the master of the "*Louise*" to his family or owners, or to permit the Vice-consul for Hamburgh (to which port the "*Louise*" belongs) or a law adviser to communicate with him on board; or to permit him to come on shore,—the object being that he might the better establish his defence—I have since received a copy of a letter from the Port Admiral to the Vice-consul, stating that the "*Louise*" had merely come in for supplies, and would proceed with the least delay to Cuxhaven, in execution of her orders.

The restriction of not allowing the master of the "*Louise*" to write to his family or his owners, or to state his case to a legal authority or to the Vice-consul of his country, seems harsh; and it is feared may be maintained as a precedent should any other Hanseatic vessels be detained and brought into port under similar suspicions.

I have, &c.

(Signed) J. COLQUHOUN.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

No. 91.

Colonel Hodges to Mr. Bandinel.

Hamburgh, September 7, 1841.

SIR, (*Received September* 11.)

I HAVE the honour to enclose the Hamburgh official newspaper, which contains the verdict in the case of the barque "*Louise*," captured and brought to Cuxhaven by Her Majesty's sloop of war "Grecian;" which verdict was pronounced here in open court on the 6th instant.

I have also enclosed the exact copy of a translation, by Dr. Haller, of the verdict, which I have not had time to correct, as the packet is just leaving.

I have, &c.

J. Bandinel, Esq. Signed) G. LLOYD HODGES.
&c. &c.

Enclosure in No. 91.

Sentence, &c., in the case of the barque "Louise."

Hamburg, den 6 September.

Das Handels-Gericht hat heute in der Angelegenheit des Schiffes "*Louise*" folgendes Erkenntniss erlassen:

"In Sachen der von der Königl. grossbrittannischen Sloop '*Grecian*,' Commander Smyth, aufgebrachten Hamburger Bark '*Louise*,' Capitän C. H. Boye, und deren Ladung erkennt das Handels-Gericht nach Anhörung &c. auf Grund der Acten und nach gepflogener Deliberation: Da das Hamburger Barkschiff '*Louise*,' Capitän C. H. Boyes, welches von der Hamburgischer Seits dazu gehörig autorisirten K. grossbrittannischen Sloop '*Grecian*,' Commander Smyth, am 25 Februar 1841 in einem der tractatenmässig bestimmten Districte als des Sklavenhandels verdächtig angehalten, dann durchsucht und nach Cuxhaven aufgebracht worden ist, weder Sklavenhandel betrieben hat, noch zur Betreibung dieses Handels ausgerüstet gewesen ist, also keiner der Fälle vorliegt, von denen die Tractate zwischen Frankreich und Grossbrittannien vom 30 November 1831 und 22 März 1833, denen Hamburg durch den Vertrag vom 9 Juni 1837 beigetreten ist, voraussetzen, dass die speciellen Landes-Gesetze der contrahirenden oder accedirenden Staaten sie mit Confiscation belegen, nun zwar unsere Gesetzgebung in dieser Materie, welche nach Maassgabe der Convention von 1831, Art. 7, der Convention von 1833, Art. 1, 3, 5, der Instruction für die Kreuzer, No. 3, als die Entscheidungsnorm gelten muss, ausser den in den Tractaten bedachten Fällen auch eine der Ausrüstung eines zum Sklavenhandel destinirten und deshalb aufgebrachten Schiffes mittelbar geleistete Beihülfe verpönt, Strafgesetz vom 19 Juni 1837, dieser Fall aber, da das aufgebrachte Schiff "*Louise*" nicht zum Sklavenhandel bestimmt gewesen, hier gleichfalls nicht vorliegt, hiernach also der vorliegende Confiscations-Antrag selbst dann würde unstatthaft seyn, wenn auch nicht in unsrer Legislation, so weit solche für die gegenwärtige Entscheidung in Betracht kommt, hinsichtlich gesetzlicher Bestimmung einer Confiscation sich eine Lücke fände, indem nämlich das erwähnte Gesetz vom 19 Juni 1837 nichts von einer Confiscation oder der Anwendbarkeit prisenrechtlicher Grundsätze oder davon, dass solche den Tractaten zu Grunde liegen, enthält, das Gesetz vom 3 Juni 1841 aber, so gewiss es auch die Norm für das Prozessverfahren abgiebt, für das Innere der Rechtsverhältnisse eine rückwirkende Kraft in keinerlei Beziehung zu äussern vermag, endlich aber das Reglement vom 18 September 1778, welches auch nur von temporärer Gültigkeit gewesen ist, nicht hierher gehört,

> dass der Antrag des Hrn. Fiscals *in civilibus*, das Schiff '*Louise*' und dessen Ladung, eventualiter Theile dessen Ladung, zu condemniren, zurückzuweisen; dass aber, was die gegen den Captor in Anspruch genommene Entschädigung betrifft, solchem Antrage keine Statt zu geben sey;

und zwar auf den Grund der Art. 6 und 7 der Convention vom 22 März 1833, indem die vorgefundenen Planken, der Kessel und der Wasservorrath (welcher

letztere grösser war, als das von Rio de Janeiro zunächst nur nach Benguela, an welchem Orte die vollständige Entlöschung stattfinden sollte, bestimmte Schiff ohne behufige Autorisation am Bord haben durfte) jedenfalls zusammengenommen mit der Natur eines grossen Theils der Ladung und der in der Declaration des Capitäns Smyth erwähnten, actenkundig stattgehabten Beseitigung von Papieren hier als *prima facie evidentes* erscheinen; dass ferner die dem Captor gemachten Vorwürfe in Bezug auf die Ausführung der Anhaltung, der Durchsuchung und Aufbringung, da hierauf keine Schaden-Ansprüche haben gegründet werden können, und daher solche angebliche Unregelmässigkeiten etwa nur zur Anstellung von Beschwerden bei der Regierung Veranlassung geben könnten, hier nicht weiter zu berücksichtigen seyen; dass endlich, da die Entschuldigung, welche der Capitän Boye, für den die Unkenntniss der hieselbst publicirten Tractate an und für sich kein Excusationsgrund ist, aus dem allerdings bedauerlichen Umstande ableiten will, dass derzeit in unserem Consulate in Rio de Janeiro der Accessions-Vertrag Hamburgs zu den Tractaten vom 30 Nov. 1831 und 22 März 1833 nicht bekannt gewesen, desfalls einer weiteren Erörterung nicht unterliegt, weil Capitän Boye sich des Schutzes aus diesem sonst hier, wo der Staat als Partei auftritt, billigerweise auf den Kostenpunkt influirenden Momente durch das Verbrennen zweier Briefe verlustig gemacht hat, die Kosten der Untersuchung und des Prozesses aus dem Schiffe '*Louise*' und dessen Zubehör dem Hrn. Fiscal zu ersetzen seyen, und bleiben der Rhederei eines etwaigen Regresses wegen, so wie überhaupt den Betreffenden unter einander und *contra quem ex quocunque*, so weit Rechtens, *quævis competentia* reservirt. Es werden demnach

salvo jure tertiorum sowohl das aufgebrachte Barkschiff '*Louise*' sammt Zubehör—nachdem obgedachtermassen Kostenersatz wird geleistet seyn—als auch die Ladung, respective das Provenü, freigegeben, und sind der Personal-Arrest des Domingo Jozé Gonzalez Penna, so wie die Cautions-Arreste des Capitäns Carl Heinrich Boye, des ersten Steuermanns Christian Andresen, und des zweiten Steuermanns John William Bernhard Alfred Harris aufgehoben.

So publicirt im Handelsgerichte, Montag, den 6 Sept. 1841. B. R. W."

(Translation.)

IN the suit concerning the Hamburgh barque "*Louise*," Captain C. H. Boyes, and her cargo, detained by Her Britannic Majesty's sloop "Grecian," Commander Smyth, the Tribunal of Commerce pronounces, on the ground of the pleadings, and after due deliberation :—

Whereas the Hamburgh barque "*Louise*," Captain C. H. Boyes, which has been detained by Her Britannic Majesty's sloop "Grecian," Commander Smyth, duly authorised thereunto by the Hamburgh authorities, on the 25th of February, 1841, in one of the districts pointed out by the Treaty as suspected of being engaged in the Slave Trade, which has then been visited, and sent to Cuxhaven, has neither been trafficking in slaves nor been fitted out for the purpose of such traffic :

Whereas, therefore, none of the cases supposed by the Treaties between France and Great Britain of the 30th of November, 1831, and the 22nd of March, 1833, to which the state of Hamburgh acceded by the Convention of the 9th of June, 1837, to constitute a liability to condemnation, according to the special law of the contracting parties, or the states afterwards acceding, is apparent here :

Whereas, though our legislation on this subject (which, in pursuance of the Convention of 1831, Article 7; of the Convention of 1833, Articles 1, 3, 5 of the Instructions to Cruisers; No. 3 is to form the Standard of Decision), independently of the cases foreseen by the Treaties, stamps as punishable likewise the indirect aid afforded towards the fitting out of a vessel intended for the Slave Trade, and detained in consequence (*vide* penal statute of the 19th of June, 1837)—yet this case too, as the detained vessel, the "*Louise*," was not destined for the Slave Trade, is not apparent here neither :

Whereas, therefore, the present suit for confiscation would be inadmissible, even though our legislation, so far as it comes under consideration for the

purpose of our present decision, did not present a void with regard to a legal provision on the point of confiscation, as the above-mentioned statute of the 19th of June, 1837, does not advert to confiscation, or to the application of the principles of prize law, or to their forming the basis of the Convention; as the law of the 3rd of June, 1841, though most assuredly it fixes the form of the proceedings, cannot, in any way whatsoever, affect the essential judicial position of the case by a retro-active power; and as, finally, the Ordinance of the 18th of September, 1778, which had only a temporary validity, has nothing to do with the subject under consideration:

The Court gives its verdict as follows:—

That the claim of the Advocate of the State, with respect to the condemnation of the vessel "*Louise*" and her cargo, is to be non-suited; but that, on the other hand, a claim for damages to be paid by the captor is inadmissible, and this by reason of Articles 6 and 7 of the Convention of the 22nd of March, 1833. The loose planks, the boiler, and the provision of water (the quantity of the last-mentioned article exceeding that permitted, without a special authorization, to a vessel destined from Rio de Janeiro, in the first place, to Benguela only, where the complete discharging was to take place), joined to the nature of great part of the cargo, and to the making away with papers referred to in the declaration of Captain Smyth, and resulting from the examination of the case, presenting here *primâ facie* evidences. That, also, the reproaches addressed to the captor, with respect to the manner of execution, the detaining, visiting, and bringing in of the vessel, are not to be further attended to here, since no suit for damages is to be founded on them; and since, therefore, such alleged irregularities might only, at any rate, furnish matter for a representation to be addressed to the Government. That, finally, as the excuse which Captain Boye (whose alleged ignorance of Treaties made publicly known at this place nowise exculpates), in trying to deduce from the certainly to be regretted circumstance that our Consulate at Rio de Janeiro was not acquainted at the time with the Hanseatic Treaty of Accession to the Treaties of the 30th of November, 1831, and the 22nd of March, 1833, cannot be made the subject of further discussion, because Captain Boye has foregone the protection, perhaps in equity accruing from it, as far as expenses are concerned, in a case where the state appears as plaintiff, by having burned two letters, that the expenses of the examination and the suit are to be refunded to the Advocate for the State, to be charged on the vessel "*Louise*" and her appurtenances, reserving to the owners, in case of redress, as well as to all other parties concerned, against each other, and *contra quem ex quocunque*, as according to law, *quævis competentia.*

Salvo jure tertiorum, therefore, the detained barque "*Louise*," with her appurtenances, as soon as the refunding of the expenses will have taken place, is to be put at liberty, as likewise the cargo, or the price it may fetch: and the persons of Domingo Jozé Gonzalez Penna, as well as the captain, Charles Henry Boye, the first mate, Christian Anderson, and the second mate, John William Bernhard Alfred Harris, are to be set at liberty.

No. 92.

Mr. Colquhoun to the Earl of Aberdeen.

St. James's Place, October 17, 1841.
(*Received October* 20.)

The Undersigned agent for Hamburgh is instructed to bring under the consideration of the Earl of Aberdeen, Her Britannic Majesty's Secretary of State for Foreign Affairs, that according to the London newspapers of the 21st September last, of which extracts are annexed, it is reported to have been asserted during the last Session of Parliament, viz. on the 21st ultimo, that, upon information received, or by a rumour brought to the knowledge of the late Government of Her Britannic Majesty, "of six ships having been fitted out at Hamburgh, to be employed in the Slave Trade, a communication was made to the Board of Admiralty, in order that the necessary directions might be given to Her Britannic Majesty's cruizers on the coast of Africa."

The Undersigned is directed to state that the Senate of Hamburgh is not unaware of a rumour, and as it would seem an utterly unfounded one, contained in the English newspapers, in respect to an expedition of five ships, four of them under the Danish, and one of them under the Portuguese flag, fitted out and cleared out from Altona, a port within the dominions of the King of Denmark, for Santo Vincente, one of the Cape de Verd Islands, having been destined for Slave Trading objects. Since, however, it has been stated in Parliament (on the 20th September last) that six ships had been fitted out at Hamburgh for the Slave Trade, it would appear that some other report, totally unknown at Hamburgh, had occasioned the directions in question to be given to the Admiralty. Whatever may have been the source of such rumour or information concerning ships having been so fitted out at Hamburgh for the Slave Trade, the Undersigned is authorized to declare that the Senate verily believes that this rumour or information is entirely untrue.

The Undersigned is, moreover, directed to assure Her Majesty's Government that the Senate is most anxious strictly to fulfil the obligations which have been entered into by their accession to the treaties between Great Britain and France for the suppression of the Slave Trade, and will be happy in contributing, by every means in their power, to the attainment of such a benevolent purpose; but, at the same time, they feel it an incumbent duty to protect the honour and effect the security of the Hamburgh flag against prejudices to which an unjust suspicion must expose it. In both respects it is a matter of serious regret that no official opportunity had been afforded to the Senate of ordering inquiries to be made at the time, according to such rumour or information, if true, the more easily to detect the offenders, and to punish them.

The Undersigned is desired to express the expectation of the Senate that the British Government will not refuse their assistance to remove the uneasiness, the injurious consequences, which could not but prevail when it became known, through newspaper reports of a Parliamentary session, that a false rumour or misinformation had, as it seems, caused the British Government to give such directions to British cruizers.

The assistance which the British Government could render is, by acquainting the commanders of the British cruizers that the rumour or information, at least as far as Hamburgh is concerned, is an erroneous one. Should however the information on which the directions to the Admiralty were founded be of such a nature as still to leave room for the slightest doubt, then it is to be observed that, as one of the objects for the suppression of the Slave Trade, and indeed the chief one, was to prevent the opportunity of ships being fitted out for that Trade, that upon this gronnd, and considering the deep interest which Great Britain herself takes in such a course being pursued, the Senate is warranted in requesting the communication of copies of the documents upon which the directions to the Admiralty were founded, in order that a strict investigation may take place at Hamburgh, and that either the Hamburgh flag may be justified, or, if there be any foundation or even suspicion of such practices having been carried on secretly in the port of Hamburgh, that their ramifications may be ferreted out, the offenders punished, and effectual measures taken to prevent their re-occurrence.

The Undersigned has the honour to tender to the Earl of Aberdeen the homage of his sincere respect.

(Signed) J. COLQUHOUN.

The Right Hon. the Earl of Aberdeen, K.T.,
&c. &c. &c.

Courier, 21st September, 1841.

Lord Palmerston (in answer to Sir E. Wilmot, who asked respecting the vessels employed upon the coast of Africa) said he had every reason to believe that six vessels were to be employed on that coast; but he could not say if the information was correct or not.

Morning Post, 21st September, 1841.

Sir Eardly Wilmot.—That, seeing the Noble Lord the Member for Tiverton in his place, he wished to know from him if it were true, as had been reported,

that six vessels had recently left Hamburgh (so we understood) for the purpose of being employed in the Slave Trade on the coast of Africa.

Viscount Palmerston said that he had reason to believe that six vessels, two of which had been at Hamburgh, were intended to be employed in the Slave Trade, but he would not undertake to say whether the report was well founded or not. Hearing however of such a rumour, he had thought it his duty to communicate it to the Admiralty, in order that information might be sent to the cruizers on the coast of Africa, so that, in case it were true, they might be prepared to act.

Times and *Standard*, 21st September, 1841.

In reply to a question from *Sir E. Wilmot*,—

Viscount Palmerston said that information had been received by the late Government stating that as many he believed as six vessels were being fitted out at Hamburgh to be employed in the Slave Trade. He could not say whether that information were well founded, and without implying any opinion one way or the other, he had communicated it to the Board of Admiralty, in order that the necessary directions might be given to the cruizers on the coast of Africa, in case the report should turn out to be true.

Morning Chronicle, 21st September, 1841.

In answer to a question from *Sir E. Wilmot*,—

Viscount Palmerston was understood to say that official information, he had reason to believe, had been received, that there were six vessels destined for the Slave Trade on the coast of Africa, but he could not say whether that information was well founded or not. That communication had however been forwarded to the Admiralty, in order that due notice might be given to the British cruizers on the coast of Africa.

No. 93.

Mr. Colquhoun to the Earl of Aberdeen.

St. James's Place, October 23, 1841.

MY LORD, (*Received October* 26.)

I HAVE the honour to transmit to your Lordship two letters from Mr. E. Cæsar Hartung, a merchant of great respectability at Hamburgh, who has for some years traded with three ships to the coast of Africa, himself and his partner, Mr. Epffinhausen, having accompanied them thither to superintend the sale of their goods.

Mr. Hartung states that, having been boarded by the Commander ofthe "Termagant," he was informed by Lieutenant Seagram, in reply to a remark from Mr. Hartung, that he had conformed to the Hanseatic Slave Trade Accession Treaty, "that he should not be governed by the Treaty, but by instructions received from England;" observing at the same time "that he should make his report;" and, "that it was a shame that the Hamburgh people assisted in the Slave Trade, and that had he found the "*Argo*" at the Gallinas he would have sent her to Hamburgh."

It therefore seemed to Mr. Hartung that he owed it to himself to require an explanation of the facts on which this charge was founded, as it was evident to him that some information had been communicated to Her Majesty's Government prejudicial to Hanseatic commerce, which was not in the possession of the Hamburgh Government, and which it was most important they should possess in order that an inquiry might be made at Hamburgh, and instructions given accordingly to the Hanseatic trade on the coast of Africa, that they might conform thereto, and thus protect themselves in their lawful commerce. The declaration made by the commander of a British cruizer, that he considered a portion or portions of the coast under blockade, led to the enunciation of a principle on the part of Mr. Hartung:—"That he had an undoubted right to sell his goods to whomever would purchase them; and that it was not his business to inquire into, nor was he responsible for, the ultimate destination of

lawful goods, wherever they might be sold; provided he received doubloons or produce he was content.

Mr. Hartung details at length the case of the "*Echo*," condemned at Sierra Leone on a charge of having aided and abetted the Slave Trade, of which the captain and mate were acquitted.

Mr. Hartung has come to this country to appeal against the decision.

It is not for a moment intended to impute to the officers of Her Majesty's navy that they have exceeded their instructions; but an impression being entertained by them that the Hanseatics are engaged in the Slave Trade may lead to vexatious interruptions which have not hitherto occurred; and as far as commerce is admitted to be the most probable means of civilizing Africa, it is very desirable, and comporting with the views of Her Majesty's Government, that such trade should be amply protected; while the Slave Trade, as the converse of the proposition, should by all proper measures be put down; to effect which objects I have authority to state that the Hamburgh Government will most gladly afford their assistance.

Mr. Hartung meanwhile requests me to procure for him answers to the undermentioned queries, as influencing materially his future commerce with Africa:—

1st. What are the instructions given to Her Majesty's cruizers, in addition to the stipulations of the Hanseatic Accession Treaty—that in case he should again send cargoes to the coast of Africa in Hanseatic vessels he may be able to conform to them?

2. Whether he is bound to send a boat on board with his papers, if required to do so by Her Majesty's cruizers? The doing so may risk the loss of his papers, and place his vessel and cargo in peril.

3. Whether prizes to Her Majesty's cruizers are to have the same right of search as the cruizers themselves? The vessels engaged in the Slave Trade have often so piratical an appearance that on attempting to board resistance may ensue and loss of life follow in anticipated self-defence?

4. Whether Her Majesty's cruizers have the power to declare at pleasure any part of the African coast as prohibited places for trading, or, in other words, in a state of blockade? This privilege would render it impossible to carry on the African Trade, as the best markets might thus be capriciously closed.

5. Whether, being a foreigner, he can, under the existing regulations, purchase vessels condemned as prize at Sierra Leone, as it appears that some uncertainty prevails there in this respect?

The civilization of Africa by commerce, coupled with the suppression of the Slave Trade, renders it very desirable that some definitive arrangement, which should possess the confidence of both the British and Hanseatic Governments, should be devised so as to secure the protection of the legitimate trader, and effect the suppression of the Slave Trade—by licences, for example, granted by the Hanseatic Governments to their merchant-vessels, to be visèd by the English and French authorities in the Hanse Towns, thereby establishing *à priori* the respectability of the parties engaging in the African trade.

The case may be more difficult as it refers to Hanseatic vessels clearing out from Cuba, the Brazils, or Porto Rico, for the coast of Africa—the licence of the Mixed Commission there to be verified by the British, French, and Hanseatic consuls there, might, it is conceived, be a sufficient safeguard against illegal trading. The licences from other ports to be signed by the ministers or consuls of the three Powers parties to the Slave Trade Suppression Treaty.

I have, &c.

(Signed) J. COLQUHOUN.

The Right Hon. the Earl of Aberdeen, K.T.
&c. &c. &c.

First Enclosure in No. 93.

Mr. C. Hartung to Mr. Colquhoun.

London, October 16, 1841.

SIR, 88, *Oxford Terrace, Hyde Park.*

I SHOULD be much obliged by your representing to the proper authorities the treatment which I and my partner, Mr. John Epffenhausen, endured when upon the West Coast of Africa, with our vessels, the "*Herald*," "*Argo*," and "*Express*."

During my voyage upon the coast, in the month of December last, when I was, as owner of the cargo, on board the Hamburg schooner "*Argo*," Captain C. P. Brandenburg, we fell in, not far from St. Ann Shoals, with Her Britannic Majesty's brigantine "Termagant," commanded by Lieutenant H. F. Seagram, who ordered us to heave to, and sent his boat on board to inspect our papers, which were shown. The boat then went back, but after a short time returned with Lieutenant Seagram himself, and some more seamen, to overhaul the vessel. He asked me whence I came. I told him from Gallinas, which I found burned down. He then inquired to whom I was consigned. I replied, to nobody, that I was myself the owner of the cargo. On this he cried out (addressing himself to me), "It is a shame that the Hamburg people assist the Slave Trade; if I were not short of hands I would send you to Cuxhaven, but I shall make my report." I told him that I did not know what he meant by the words "assisting Slave Trade," that I had been at that place (Gallinas) in the month of March, 1840, in company with English men-of-war, and French and American merchant-vessels; that I had been home with my vessel since that time, and I myself in England; that I had heard of no *new orders*, and that my Government had given me no notice of any alteration in the Treaty; that I might sell my goods anywhere and to any one I liked; and that, when people paid me doubloons or produce for them, I never asked what they meant to do afterwards with my goods; if he himself wished to buy my cargo, and pay me for it, I would be glad to sell it to him.

He ordered me to open the hatches. I told him that the hold was full, and that he could see nothing, and so he found. I showed him our printed Treaty, translated into English, French, and German, and requested him to see if he could find anything on board which was against the Treaty. After searching awhile, he said, "Ah! I see you've put all to rights!" To which, I replied, that I knew perfectly well what rules to observe when coming out to the coast, that it was not the *first time* I came, and that I, and particularly my partner, Mr. Epffenhausen, had been well known to every man-of-war, and at every place on the coast, for many years, that the Commander of the "Saracen" had been the day before on board, looking at our papers only. He told me that that was nothing to him, and that *if he had found me at anchor at Gallinas he would have taken me at once to Hamburg!* I observed that that would be against our Treaty. He answered, "Never mind your Treaty; I go by my instructions from England."

In consequence of these proceedings, I wish to know, first, if we are obliged to submit to such treatment? At that time, luckily for me, the man-of-war was short of hands. Secondly, if, when a man-of-war officer tells us "You must not trade at such or such a place, and if I find you there at anchor and trading I will send you to Cuxhaven," we must obey him?

Another complaint is the following:—When we first made land on the Coast of Africa, in the middle of last December, at Rio Sherbro, we were chased in the evening, about six o'clock, when night sets in, by a schooner. Looking through a spy-glass we made her out to be a slave-vessel, with a "long tom" gun on deck, with a crew of very dark complexion, and, as far as I could judge, composed of black and yellow faces. Steering our course she soon came close to us, hoisting a small dirty flag at her mast-head, which we could not make out; and we heard a voice call out, "Heave to, and send your boat on board." I told him I could send no boat. "Well," says he, "I shall come on board;" and a boat being lowered, a young man in a blue jacket and straw hat came on board, asking for our papers, &c.; finding all right he went away. We heard from him that his vessel was a prize to Her Britannic Majesty's brig "Saracen," taken the day before, and that he (a midshipman) was put in her to catch some more slavers. This was in the middle of December, and it was

not till the middle of January that she came into the port of Sierra Leone as a prize *for trial!* A similar circumstance occurred to our brig "*Express*" with another slave-vessel, on board which a midshipman had been put to chase other vessels for some weeks.

We took the schooner, at first, for a pirate, but our being so close in shore, and seeing another vessel at a distance, prevented our firing at once into her.

I beg you, sir, to let me know if we are obliged to let ourselves be searched by *every vessel;* and allow me to put another question. If a man-of-war officer orders us to go on board his ship with our papers, are we obliged to do so? I must observe to you that this would be often very dangerous. Should the boat be sunk, or the papers lost overboard, we should have no ships' papers at all on board, and might, on that account, get into trouble.

I would further be very glad to know the exact state of the law upon this point:—Whether the Government and the Custom-house at Sierra Leone can refuse to give us ships' papers and clearances for vessels which are sold to us at public auction by the Vice-Admiralty or Mixed Commission Courts, when we wish to clear them out for Hamburg?

In 1838 and part of 1839 we could get such papers and clearances. I returned in 1839, and could *not* get the papers. In 1840, and in the beginning of 1841, *only Englishmen* could buy vessels at public auction and get clearances for them; but when I came back in the *same* year, in July last, I was told that then I could buy vessels and get clearances and ships' papers.

You will oblige me by favouring me with a reply, and, praying your particular attention to the above,

I remain, &c.

E. CESAR HARTUNG,
15, *Alte Gröningerstrasse, Hamburg.*

James Colquhoun, Esq.
&c. &c. &c.

Second Enclosure in No. 93.

Mr. C. Hartung to Mr. Colquhoun,

SIR, 88, *Oxford Terrace, October* 23, 1841.

IN addition to my letter of the 16th instant, I would observe, that I *never* heard of the Hamburgh flag having covered slave-trading, even at the time when it was carried on by England and other nations; that it is, and was, ever held in abhorrence throughout Germany; but the manner in which German vessels have been treated *this year*, while carrying on their legal and honourable commerce, under the most unjust suspicions, has excited a feeling of indignation which goes far to counteract these established principles.

The case of the "*Echo*," at Sierra Leone, has made a deep and unfavourable impersion, and every Hamburgher engaged in the African trade feels that he may anticipate a similar fate on visiting any British port in Africa, and be moreover subjected to restraints which this conduct does not warrant. The result is, a blockade of the African coast; and if commerce is to be the means of civilizing Africa, it must cease as far as Germany is concerned, for neither will shipowners send out their ships, nor merchants their merchandize; nor will the insurance companies hereafter insure their vessels and cargoes destined for the African coast.

I and my partner, Mr. Epffenhausen, were trading at Sierra Leone with two vessels, the "*Argo*," and "*Herald*," when the "*Echo*," Captain Sohst, arrived. We got permission of Mr. L. Hook, collector of the Customs and chief justice, to load for the Havannah, in joint account with the captain, some iron ballast; therefore we came first in connexion, and the owner of the ship, Mr. T. F. Ballauf, at Hamburgh, is a particular friend to the subscribed.

The "*Echo*" cleared out from the Havannah, furnished with certificates from the American and Hamburgh consuls there, the manifest having been duly exhibited to the English consul, who declared that there was nothing on board but fair trade, which was with the vessel legalized for her voyage. She was unloaded under the eye of Captain Denman, of the "Wanderer," who gave her two certificates, as to her being far from suspicion as to the cargo and to the ship. On her voyage to Sierra Leone she was overhauled by Her Majesty's ship the "Saracen," and then finally by a captured slaver, commanded by a

British officer, or midshipman, who also found all right. The captain received the first passengers for the Havannah from Captain Denman, at Young Sester, who recommended him to go along the coast to pick up other passengers, and to proceed to Sierra Leone, where he would obtain more. He arrived there with a crew of 14 men and 36 passengers. He waited on the Governor on the recommendation of Captain Denman, who treated him with insolence, and directly accused him of being implicated in slave-dealing. He gave the usual bond of 1000*l.* in the Secretary's Office. He was refused some more planks to fit up his vessel more conveniently for the accommodation of his passengers, but, finally, was allowed to fill the tanks and the few water-casks, and to take on board some more passengers, with their provisions. The vessel and all the papers and letters of every one were twice examined by the Custom-House collector and chief justice; then the captain obtained his clearance for the Havannah; again search was made by an officer of the "Wanderer" before she left the port. The passengers got passports, the *same morning*, from the Secretary's Office for the Hayannah, per "*Echo;*" and she proceeded to sea, but was brought back, the papers and private letters of every one taken away, plundered of all their baggage and money by officers in civil dresses, who would not give an answer, and who had got no certificate specifying their rank when asked; then rudely thrust by soldiers, in the night, into a boat, without the slightest preparation, or assigning any reason why they were so maltreated, or what was to become of them; the vessel detained for several months before a court took place; libelled in the court of Vice-Admiralty, condemned and sold —the vessel for 2560*l.*, ship's property, and that of captain and passengers condemned and sold also for about 1200*l.*; the Collector of the Customs acting as judge of the Admiralty *ad interim*; the captain and mate imprisoned with felons and thieves, and afterwards tried and *acquitted of the same charge* on which the *vessel was condemned!*

When the captain was plundered of his money and papers, it was my partner and I who assisted him and his crew. We could not let our countrymen starve on shore. How can a man afford to pay a lawyer to take up this affair, and to *claim* the vessel, for which 60*l.* is required, and *to get an appeal in England*, 100*l.*, when plundered before of all his money and papers? Mr. Epffenhausen and I gave upwards of 400*l.* to the lawyer to bring this case to the knowledge of England, knowing that *there only right would be granted*, otherwise the names of the owner and captain would be blamed, and the honour of our flag be tarnished for ever!

I am now here to lodge an appeal for the owner of the "*Echo*," Mr. T. F. Ballauf, at Hamburgh, to ask costs and damages for him and the captain. THREE LIVES HAVE BEEN LOST! and the captain and his large family are without entertainment. As witness of the above proceedings, I am ready and prepared to give any explanation which may be required by any department of Her Majesty's Government. The sentence is too flagrant an act of injustice not to prosecute an appeal at any cost.

I have three vessels, the "*Argo*" and "*Herald*" (the "*Express*" is still on the coast), which have been long in *the African trade*, now at Hamburgh, but I do not feel that it would be prudent to expose myself to the annoyances and vexations I have hitherto incurred, until some arrangement of protection, by licences signed by the British and Hamburgh Governments, gives us securities, and shall have been settled.

Desirous of your kind answer, and recommending to you once more all possible despatch,

I have, &c.

E. CESAR HARTUNG,
of Hamburg, 15, *Alte Gröningerstrasse.*

James Colquhoun, Esq.
&c. &c. &c.

No. 94.

The Earl of Aberdeen to J. Colquhoun, Esq.

SIR, *Foreign Office, October* 29, 1841.

I HAVE received your letter of the 17th instant, enclosing extracts of newspapers, with reports of speeches said to have been made in Parliament, respecting vessels fitted out at Hamburgh for the African Slave Trade.

Upon a reference to the archives in the office, it appears that the speeches, of which those reports were made, referred probably to a rumour that vessels had been fitted out for Slave Trade, not at Hamburgh, but at a neighbouring port.

I take this opportunity, however, to request that you will direct the attention of the authorities at Hamburgh to the enclosed extract of a Despatch, which has recently been received from Her Majesty's Chargé d'Affaires at Rio de Janeiro, relating to a statement that a Portuguese house has been established at Hamburgh for the purpose of trading with the Portuguese ports on the western coast of Africa; and to an inference drawn that the speculations in question may possibly be intended to cover undertakings in Slave Trade.

In communicating this statement to the authorities of Hamburgh, you will state that Her Majesty's Government is convinced they will use every possible vigilance in watching over proceedings under their jurisdiction calculated to raise a suspicion of connection with the Slave Trade, and that they will take every measure within their power for discouraging and preventing undertakings for carrying on that illegal trade from the port of Hamburgh.

I am, &c.

James Colquhoun, Esq., (Signed) ABERDEEN.
&c. &c. &c.

Enclosure in No. 94.

Extract from Mr. Ouseley's Despatch of June 21, 1841.

(See Class B. No. 475.)

No. 95.

The Earl of Aberdeen to Colonel Hodges.

Foreign Office, October 30, 1841.

Circular sending Papers presented to Parliament.

(See No. 9.)

No. 96.

The Earl of Aberdeen to Mr. Colquhoun.

Foreign Office, November 12, 1841.

Circular sending Papers presented to Parliament.

(See No. 10.)

No. 97.

Mr. Colquhoun to the Earl of Aberdeen.

St. James's Place, November 10, 1841.
(*Received November* 12.)

THE Undersigned agent for the Hanse Towns is instructed to convey to the Earl of Aberdeen, Her Britannic Majesty's Secretary of State for Foreign Affairs, the acknowledgment by the Senate of his Lordship's note of the 29th ultimo, by which it appears that the vessels alluded to in the parliamentary proceedings alleged to be intended for illegal traffic on the coast of Africa were those fitted out at a neighbouring port. Comfirmatory of this result is the extract from a letter from Mr. Ouseley, Her Britannic Majesty's Chargé d'Affaires at Rio de Janeiro, dated 21st June, 1841, specifying the identical vessels so fitted out at the neighbouring port before mentioned, and expected

to sail in the month of March, with the substitution of the "*Mariane Heloise*" for the "*Esperanza*," as mentioned in Mr. Ouseley's note in question.

The undersigned annexes a copy of a statement received from Hamburgh on the subject.

In stating that Her Majesty's Government is convinced that the Authorities at Hamburgh will use every possible vigilance in watching over proceedings under their jurisdiction calculated to raise a suspicion of connection with the Slave Trade (and they congratulate themselves that no such cause has yet arisen), the Earl of Aberdeen only does justice to the Government and the commerce of Hamburgh, and to the sentiments of the people. The Undersigned is therefore directed to convey the thanks of the Senate for the communication of the extract from Mr. Ouseley's Despatch, and to express a hope that if on any future occasion a similar rumour or report should reach a department of Her Majesty's Government, the same frank communication of the source from which it may originate will be given, in order that every facility may be afforded to effectuate a searching investigation, with a view, if the charge be founded, to establish proceedings for the trial and punishment of the delinquents.

The undersigned has the honour to tender to the Earl of Aberdeen the assurance of his sincere respect.

(Signed) J. COLQUHOUN.

The Right Hon. the Earl of Aberdeen, K.T.
&c. &c. &c.

Enclosure in No. 97.

Statement.

Hamburgh, November 2, 1841.

THE Authorities here are not aware that any Portuguese house has been established at Hamburgh for the purpose of trading with the Portuguese ports on the western coast of Africa; it is, however, well known that the house of Santos and Monteiro, established at Altona, has several times sent ships to the ports alluded to. The last expedition, with which Mr. Dos Santos sailed himself in the spring of this year, consisted of the Danish frigate "*Vasco de Gama*" (Captain Soffgreen); two Danish brigs, "*Camoens*" (Captain Posenann), and "*Georgiana*" (Captain Reichards); one Danish schooner, "*Mariane Heloise*" (Captain's name unknown); and a Portuguese schooner, "*Sultana*" (Captain Farria). The names of these ships, with the exception of the "*Esperanza*," for which the "*Mariane Heloise*" seems to have been substituted, being exactly those mentioned in Mr. Ouseley's Despatch, and the above-mentioned ships really having been freighted with Manchester and German goods, it clearly appears that again Mr. dos Santos's Altonian expedition has been converted into slave-ships, fitted out at Hamburgh. You are authorized to state the result of the inquiry to which Lord Aberdeen has directed the attention of the Hamburgh authorities, &c.

No. 98.

The Earl of Aberdeen to Colonel Hodges.

SIR, *Foreign Office, November* 17, 1841.

WITH reference to previous correspondence between this office and Her Majesty's Consulate at Hamburgh respecting the Hamburgh vessel "*Louise*," tried and released by the Tribunal of Commerce at Hamburgh on a charge of having been engaged in Slave Trade, contrary to the Convention concluded on the 9th of June, 1837, between Great Britain, France, and Hamburgh, for suppressing the Slave Trade, I have to state to you, that, from certain expressions used in the judgment, and from other parts of the papers on this case, it would seem that the law of Hamburgh in cases of Slave Trade is applicable only to vessels having slaves actually on board, and not to vessels fitted out for the Slave Trade; and as, if such be the case, the law of Hamburgh would not be

applicable to the 6th Article of the Supplementary Convention concluded between Great Britain and France on the 22nd March, 1837, included in the before-mentioned Convention between Great Britain, France, and Hamburgh, I have to desire that you will represent to the authorities of Hamburgh that it is requisite that the law should be amended in this respect, in order that the Convention which the Hanse Towns have concluded with Great Britain and France for the suppression of Slave Trade may be duly carried into effect: and you will request, on the part of Her Majesty's Government, that the Authorities of Hamburgh will take the proper steps for having the necessary alterations made in the law accordingly.

I am, &c.

G. L. Hodges, Esq. (Signed) ABERDEEN.
&c. &c. &c.

No. 99.

Colonel Hodges to the Earl of Aberdeen.

Hamburgh, November 23, 1841.
(*Received November* 27.)

My Lord,

I have the honour to acknowledge the receipt of your Lordship's Despatch of the 17th November, and to acquaint you that I have made the communication which your Lordship therein instructed me to do to the Senate of this city.

I have, &c.
(Signed) G. LLOYD HODGES.

The Right Hon. the Earl of Aberdeen, K.T.,
&c. &c. &c.

No. 100.

Mr. Colquhoun to the Earl of Aberdeen.

St. James's Place November 28, 1841.
(*Received November* 29.)

My Lord,

I had the honour of submitting to your Lordship two letters from Mr. Hartung, of Hamburgh, who has for many years carried on a trade from that port with the coast of Africa, complaining of impediments experienced in the lawful traffic with that coast. Mr. Hartung, on leaving London, requested I would again address your Lordship on the subject, soliciting your Lordship's favourable consideration to the suggestions contained in my letter to your Lordship, as Mr. Hartung is desirous of prosecuting this trade as hitherto, but freed from the embarrassing restraints alluded to in his representation.

I need not again advert to the great advantages as regards the civilization of Africa resulting from a legitimate trade, and which has ever been Mr. Hartung's sole object; and it is equally certain that it is the desire of Her Majesty's Government to protect and in no way to interrupt innocent traders of foreign nations who have voluntarily entered into Slave Trade Abolition Treaties from any impediments to their lawful commerce, to which that of the Hanse Towns has a legitimate claim to protection, seeing that at no period of their history were their citizens ever engaged in the Slave Trade.

I have, &c.
(Signed) J. COLQUHOUN.

The Right Hon. the Earl of Aberdeen, K.T.
&c. &c. &c.

No. 101.

The Earl of Aberdeen to Colonel Hodges.

Foreign Office, December 27, 1841.

(Circular asking for all Laws on Slave Trade.)

(See No. 12.)

No. 102.

Colonel Hodges to the Earl of Aberdeen.

Hamburgh, December 28, 1841.

(Received December 31.)

My Lord,

In reference to your Lordship's Despatch of the 17th November last, and in obedience to the instructions therein contained, I addressed a note to the Hamburgh Government, a copy of which, as well as a copy of Syndic Sieveking's reply to it, I have the honour to enclose for your Lordship's information.

I have, &c.

(Signed) G. LLOYD HODGES.

The Right Hon. the Earl of Aberdeen, K.T.
&c. &c. &c.

First Enclosure in No. 102.

Colonel Hodges to Mr. Sieveking.

Hamburgh, November 23, 1841.

The Undersigned, Her Britannic Majesty's Chargé d'Affaires to the Hanseatic Republics, has the honour of informing his Magnificence Syndicus Sieveking that he has been instructed by Her Majesty's Principal Secretary of State for Foreign Affairs to state, with reference to the Hamburgh vessel "*Louise*," tried and released by the Tribunal of Commerce at Hamburgh, on a charge of having been engaged in Slave Trade, contrary to the Convention concluded on the 9th of June, 1837, between Great Britain, France, and Hamburgh, for suppressing the Slave Trade, and from certain expressions used in the judgment, and from other parts of the papers in this case, it would seem that the law of Hamburgh, in cases of Slave Trade, is applicable only to vessels having slaves actually on board, and not to vessels fitted out for the Slave Trade; and as, if such be the case, the law of Hamburgh would not be applicable to the 6th Article of the Supplementary Convention concluded between Great Britain and France, on the 22nd of March, 1833, included in the before mentioned Convention between Great Britain, France, and Hamburgh, the Undersigned is desired to represent to the Hamburgh Government that it is requisite the law should be amended in this respect, in order that the Convention which the Hanse Towns have concluded with Great Britain and France for the Suppression of Slave Trade may be duly carried into effect.

And the Undersigned is instructed to request, on the part of Her Majesty's Government, that the authorities of Hamburgh will take proper steps for having the necessary alterations made in the law accordingly.

The Undersigned gladly avails himself of this occasion to renew to his Magnificence Syndicus Sieveking the assurance of his high respect and consideration.

(Signed) G. LLOYD HODGES.

His Magnificence Syndicus Sieveking,
&c. &c. &c.

Second Enclosure in No. 102.

M. Sieveking to Colonel Hodges.

Hamburgh, December 27, 1841.

THE Undersigned, Syndic of Hamburgh, has the honour to acknowledge the receipt of a note, dated the 23rd of November, in which Her Britannic Majesty's Chargé d'Affaires, in the supposition that the law of Hamburgh is not applicable to vessels fitted out for the Slave Trade, unless having slaves actually on board, represents, on the part of Her Majesty's Government, the necessity of altering the law so as to become applicable to the 6th Article of the Supplementary Convention of the 22nd of March, 1833, acceded to by Hamburgh. Though it might appear sufficient, with respect to the above supposition, to refer to the explicit admission in the judgment given by the Tribunals of Commerce, in the case of the "*Louise,*" of the law's applicability to the mere fitting out of vessels for the Slave Trade, the Undersigned is authorized to state, that, in consequence of the first unexpected trial, upon the grounds of a legislation for which hitherto no practical test existed, its revision is contemplated by the authorities.

The Undersigned avails himself with pleasure of this occasion to renew to Colonel Hodges the assurances of his sincere regard and high consideration.

(Signed) K. SIEVEKING.

Colonel G. Lloyd Hodges,
&c. &c. &c.

PRUSSIA.

No. 103.

Viscount Palmerston to Lord William Russell.

Foreign Office, April 15, 1841.

Circular sending Treaty with the Argentine Confederation.

(See No. 1.)

No. 104.

Viscount Palmerston to Lord William Russell.

Foreign Office, April 22, 1841.

Circular sending Convention with Hayti.

(See No. 2.)

No. 105.

Viscount Palmerston to Lord William Russell.

Foreign Office, May 11, 1841.

Circular relative to proposed Instructions to Prussian Functionaries in Slave-holding Countries.

(See No. 3.)

No. 106.

Viscount Palmerston to Baron Schleinitz.

Foreign Office, August 24, 1841.

VISCOUNT PALMERSTON presents his compliments to Baron Schleinitz, and has the honour to invite Baron Schleinitz to meet him at the Foreign Office to-morrow, Wednesday, at two o'clock, in order to continue, in concert with the Plenipotentiaries of Austria, France, and Prussia, the negotiation for a Treaty between the Five Great Powers of Europe upon Slave Trade.

Baron Schleinitz,
&c. &c. &c.

No. 107.

Viscount Palmerston to Baron Schleinitz.

Foreign Office, August 27, 1841.

THE Undersigned, &c., has the honour to transmit to Baron Schleinitz, &c., two copies of the Draft of Treaty between the Five Powers for the Suppression of the Slave Trade, containing the alterations agreed upon at the Conference held at the Foreign Office on the 25th instant.

Baron Schleinitz,
&c. &c. &c.

No. 108.

The Earl of Aberdeen to Sir G. Hamilton.

Foreign Office, October 30, 1841.

Circular sending Papers presented to Parliament.

(See No. 9.)

No. 109.

The Earl of Aberdeen to Baron Schleinitz.

Foreign Office, November 12, 1841.

Circular sending Papers presented to Parliament.

(See No. 10.)

No. 110.

The Earl of Aberdeen to the Earl of Westmoreland.

MY LORD, *Foreign Office, December* 20, 1841.

I HAVE the honour to acquaint your Lordship, by Her Majesty's command, that I have this day signed, on the part of Her Majesty, with the Plenipotentiaries of their Majesties the King of Prussia, the Emperor of Austria, the King of the French, and the Emperor of Russia, a Treaty for the suppression of the African Slave Trade.

I herewith transmit to your Lordship a copy of that Treaty.

Immediately upon the receipt of this Despatch you will solicit an audience of his Majesty the King of Prussia, in which you will express to his Majesty the high gratification which Her Majesty feels at uniting with his Majesty, and other great Powers of Europe, in the cause of mercy and of justice, by a league, the sole object of which is to alleviate the sufferings of humanity.

You will also express to the Prussian Minister the warm satisfaction of Her Majesty's Government in having been enabled to follow up the great, the liberal, and humane principles recorded in the declarations of the principal powers of Europe at the congresses of Vienna and of Verona, by concluding a Treaty for the beneficent end proposed in the compact signed this day.

You will, on the part of Her Majesty's Government, urge the Prussian Minister to have the Prussian ratification of the Treaty prepared and transmitted to London without delay, in order to its being exchanged against the

ratification of Her Majesty as soon as possible within the term prescribed by the Treaty.

I am, &c.
(Signed) ABERDEEN.

The Right Hon. the Earl of Westmoreland,
&c. &c. &c.

No. 111.

The Earl of Aberdeen to the Earl of Westmoreland.

Foreign Office, December 27, 1841.

Circular for all Laws relating to Slave Trade.

(See No. 12.)

RUSSIA.

No. 112.

Viscount Palmerston to the Marquis of Clanricarde.

Foreign Office, April 15, 1841.

Circular sending Treaty with the Argentine Confederation.

(See No. 1.)

No. 113.

Viscount Palmerston to the Marquis of Clanricarde.

Foreign Office, April 22, 1841.

Circular sending Convention with Hayti.

(See No. 2.)

No. 114.

Viscount Palmerston to the Marquis of Clanricarde.

(Extract.) *Foreign Office, May* 8, 1841.

I HAVE to request that your Excellency will ascertain whether Mr. Nyssen is the Russian Consul at Tunis.

No. 115.

Viscount Palmerston to the Marquis of Clanricarde.

Foreign Office, May 11, 1841.

Circular relative to instructions to Russian functionaries in slave-holding states.

(See No. 3.)

No. 116.

The Hon. J. Bloomfield to Viscount Palmerston.

St. Petersburgh, May 29, 1841.

MY LORD, (*Received June* 8.)

IN obedience to the instructions contained in your Lordship's Despatch to the Marquis of Clanricarde of the 8th instant, I have inquired of Count

Nesselrode if Mr. Nyssen is the Russian Consul at Tunis, and his Excellency has informed me that Mr. Nyssen has frequently expressed a desire to obtain this appointment, but that he has not yet received it.

I have, &c.
(Signed) J. A. D. BLOOMFIELD.

The Right Hon. Viscount Palmerston, G.C.B.,
&c. &c. &c.

No. 117.

The Hon. J. A. D. Bloomfield to Viscount Palmerston.

St. Petersburgh, May 31, 1841.
(*Received June* 14.)

My Lord,

In obedience to the instructions conveyed in your Lordship's Despatch to the Marquis of Clanricarde of the 11th May, I have this day addressed a note to Count Nesselrode, embodying the contents of that Despatch.

I have, &c.
(Signed) J. A. D. BLOOMFIELD.

The Right Hon. Viscount Palmerston, G.C.B.,
&c. &c. &c.

No. 118.

Viscount Palmerston to Baron Brunnow.

Foreign Office, August 24, 1841.

Viscount Palmerston presents his compliments to Baron Brunnow, and has the honour to invite Baron Brunnow to meet him at the Foreign Office to-morrow (Wednesday), at two o'clock, in order to continue, in concert with the Plenipotentiaries of Austria, France, and Prussia, the negotiations for a Treaty between the Five Great Powers of Europe upon Slave Trade.

His Excellency Baron Brunnow,
&c. &c. &c.

No. 119.

Viscount Palmerston to Baron Brunnow.

Foreign Office, August 27, 1841.

The Undersigned, &c., has the honour to transmit to Baron Brunnow, &c., two copies of the Draft of Treaty between the Five Powers for the suppression of the Slave Trade, containing the alterations agreed upon at the conference held at the Foreign Office on the 25th instant.

The Undersigned, &c.,
(Signed) PALMERSTON.

His Excellency Baron Brunnow,
&c. &c. &c.

No. 120.

The Earl of Aberdeen to Mr. Bloomfield.

Foreign Office, October 30, 1841.

Circular sending Papers presented to Parliament.

(See No. 9.)

No. 121.

The Earl of Aberdeen to Baron Brunnow.

Foreign Office, November 12, 1841.

Circular sending Papers presented to Parliament.

(See No. 10.)

No. 122.

The Earl of Aberdeen to Lord Stuart de Rothesay.

My Lord, *Foreign Office, December* 20, 1841.

I have the honour to acquaint your Excellency, by Her Majesty's command, that I have this day signed, on the part of Her Majesty, with the Plenipotentiaries of their Majesties the Emperor of Russia, the Emperor of Austria, the King of the French, and the King of Prussia, a Treaty for the suppression of the African Slave Trade.

I herewith transmit to your Excellency a copy of that Treaty.

Immediately on the receipt of this Despatch you will solicit an audience of His Majesty the Emperor of Russia, in which you will express to His Majesty the high gratification which Her Majesty feels at uniting with His Majesty, and other great Powers of Europe, in the cause of mercy and of justice, by a league the sole object of which is to alleviate the sufferings of humanity.

You will also express to the Russian Minister the warm satisfaction of Her Majesty's Government in having been enabled to follow up the great, the liberal, and humane principles recorded in the declarations of the principal Powers of Europe at the Congresses of Vienna and of Verona, by concluding a Treaty for the beneficent end proposed in the compact signed this day.

You will, on the part of Her Majesty's Government, urge the Russian Minister to have the Russian Ratification of the Treaty prepared and transmitted to London without delay, in order to its being exchanged against the Ratification of Her Majesty as soon as possible within the term prescribed by the Treaty.

I am, &c.

(Signed) ABERDEEN.

His Excellency Lord Stuart de Rothesay, G.C.B., &c. &c. &c.

No. 123.

The Earl of Aberdeen to Lord Stuart de Rothesay.

Foreign Office, December 27, 1841.

Circular for all Laws upon Slave Trade.

(See No. 12.)

SARDINIA.

No. 124.

Viscount Palmerston to the Hon. R. Abercromby.

Foreign Office, April 15, 1841.

Circular sending Treaty with the Argentine Confederation.

(See No. 1.)

No. 125.

Viscount Palmerston to the Hon. R. Abercromby.

Foreign Office, April 22, 1841.

Circular sending Convention with Hayti.

(See No. 2.)

No. 126.

The Hon. R. Abercromby to Viscount Palmerston.

Turin, April 28, 1841.

(*Received May* 5.)

My Lord,

I have the honour to acknowledge the receipt of your Lordship's Despatch, dated 15th of April, 1841, transmitting to me two copies of a Convention signed on the 24th of May, 1839, at Buenos Ayres, between Great Britain and the Argentine Confederation, for the more effectual suppression of the trade in slaves.

I have to express to your Lordship my thanks for the communication of these Papers.

I have, &c.

(Signed) R. ABERCROMBY.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

No. 127.

The Hon. R. Abercromby to Viscount Palmerston.

Turin, April 29, 1841.

(*Received May* 5.)

My Lord,

I have the honour to acknowledge the receipt this day of your Lordship's Despatch, dated 22nd instant, transmitting to me two copies of a Convention signed on the 23rd of December, 1839, at Port au Prince, between Great Britain and the Republic of Hayti, for the more effectual suppression of the trade in slaves.

I have to express to your Lordship my thanks for the communication of these papers.

I have, &c.

(Signed) R. ABERCROMBY.

The Right Hon. Viscount Palmerston, G.C.B.,
&c. &c. &c.

No. 128.

Viscount Palmerston to Mr. Abercromby.

Foreign Office, May 11, 1841.

Circular as to proposed Instructions to Sardinian Functionaries in Slave-holding Countries.

(See No. 3.)

No. 129.

The Hon. R. Abercromby to Viscount Palmerston.

Turin, May 29, 1841.

MY LORD, (*Received June* 7.)

I HAD the honour to receive on the 27th instant your Lordship's Despatch, dated the 11th instant, transmitting to me Copy of a Circular Letter and its Enclosure, addressed by Her Majesty's Government to all British functionaries residing in slave-holding countries on the subject of their maintaining slaves, and of engaging in undertakings in which slave property is concerned; and instructing me to address a Note to the Government of His Sardinian Majesty upon this subject, inviting Count Solar de la Marguerite to give, in the name of his Government, to all Sardinian Agents instructions similar to those addressed to all British functionaries.

I have consequently addressed to Count Solar de la Marguerite a Note, a copy of which I have now the honour to transmit herewith to your Lordship.

I have, &c.

(Signed) R. ABERCROMBY.

The Right Hon. Viscount Palmerston, G.C.B., &c. &c. &c.

Enclosure in No. 129.

The Hon. R. Abercromby to Count Solar de la Marguerite.

THE Undersigned, &c., in compliance with the instructions he has received from Viscount Palmerston, has the honour to submit to Count Solar de la Marguerite, &c., copy of a Circular Letter, together with its Enclosure, addressed by Her Britannic Majesty's Government to all British functionaries in slave-holding countries, in consequence of information having been received that persons appointed by European Governments to reside as Ministers or Consuls, or Agents in slave-holding countries, are sometimes in the habit of hiring and maintaining slaves, and of engaging in undertakings in which slave property is concerned.

Count Solar de la Marguerite will, the Undersigned feels confident, at once perceive that such practices on the part of the functionaries in question give an indirect sanction to slavery, and appear to countenance measures which tend to create a demand for slaves.

To suppress by every means a traffic so revolting to the feelings of humanity cannot fail to be the wish of the Government of His Sardinian Majesty. Her Majesty's Government, therefore, considers it very important that the opinion of His Sardinian Majesty's Government should be expressed upon this subject in such a manner as to afford an additional discouragement to the Slave Trade; and the Undersigned in consequence has been instructed, when communicating to Count Solar de la Marguerite the Circular Letter herein enclosed, addressed to all British functionaries in slave-holding countries, to invite the Government of His Sardinian Majesty to address to its Agents in such countries instructions similar to those now given to all functionaries of Her Britannic Majesty.

In transmitting to Count Solar de la Marguerite this invitation, the Undersigned confidently anticipates the ready concurrence of His Sardinian Majesty's Government in a course so well calculated to discourage the Slave Trade, and which must furnish an additional proof of the earnest desire of His Sardinian

Majesty to co-operate with Her Britannic Majesty in effectually suppressing this inhuman commerce.

(Signed) R. ABERCROMBY.

Count Solar de la Marguerite,
&c. &c. &c.

No. 130.

Count Pollon to Viscount Palmerston.

11, *Grosvenor Street, le* 2 *Juillet*, 1841.
(*Received July* 3.)

En exécution des ordres de sa Cour, le Soussigné, Envoyé Extraordinaire et Ministre Plénipotentiaire de Sa Majesté Sarde, a eu l'honneur, par son office du 29 Septembre dernier, d'adresser une réclamation à son Excellence Monsieur le Vicomte Palmerston, Principal Secrétaire d'Etat pour les Affaires Etrangères de Sa Majesté Britannique, par rapport au traitement arbitraire que le Capitaine Quin, commandant le brik de guerre de Sa Majesté Britannique "Le Persian," a fait éprouver au schooner Sarde "*La Furia,*" sur la côte du Cap Coast.

Dans le sus-dit office le Soussigné a eu l'honneur d'exposer à son Excellence les circonstances importantes, qui établissoient d'une manière irrécusable que les papiers et la cargaison du schooner Sarde étoient parfaitement en règle, et que cela avoit été reconnu par le relâchement de ce navire par le Capitaine Quin, après une visite minutieuse et rendue extrêmement vexatoire par les moyens violens avec lesquels elle a été exécutée.

Depuis que le Soussigné a eu l'honneur de faire cette communication à son Excellence Monsieur le Vicomte Palmerston, le Gouvernement Sarde a reçu, sur le traitement fait au schooner Sarde et sur les dommages qui en sont résultés pour les propriétaires de sa cargaison, de plus amples détails qu'il est enjoint au Soussigné de porter à la connoissance de sa Seigneurie, dans le double but de garantir à l'avenir le commerce Sarde contre le renouvellement de semblables actes d'oppression, et d'obtenir du Gouvernement de Sa Majesté Britannique, en faveur des propriétaires et armateurs du schooner Sarde, conformément aux dispositions de l'Article IX. de la Convention de Paris du 22 Mars, 1833, tels dédommagements qui, après un mûr et équitable examen des circonstances, seront jugés leur être dus.

A cet effet le Soussigné a l'honneur de transmettre ci-joint à son Excellence Monsieur le Vicomte Palmerston la copie authentique des dépositions faites à cet égard devant le Consul de Sardaigne à Bahia, par le capitaine et trois hommes de l'équipage du "*Furia,*" conformément aux dispositions de l'Article IX. de la Convention du 22 Mars, 1833.

Il résulte du contenu de cette pièce—

1°. Qu'en contravention aux dispositions de l'Article VI. de la Convention du 30 Novembre, 1831, le commandant du brik "Persian" n'a pas montré au capitaine du schooner "*Furia*" les ordres spéciaux qui lui conféroient le droit exceptionnel de le visiter, et qu'au mépris des dispositions de l'Article 1er des instructions pour les croiseurs en date du 22 Mars, 1833, le schooner "*Furia*" n'a pas été remis immédiatement en liberté après que l'examen de ses papiers et de sa cargaison, qui ne contenoit aucun des objets spécifiés dans l'Article VI. de la Convention supplémentaire du 22 Mars, 1833, eut fait connoître que ses expéditions étaient régulières, et que son commerce étoit licite.

2°. Que nonobstant l'absence de toute preuve criminatoire, après la visite effectuée par le commandant du brik "Persian," cet officier a non seulement enfreint les stipulations qui lui enjoignoient de remettre le schooner Sarde en liberté, mais qu'au mépris de l'Article IV. du Traité conclu à Turin le 4 Août, 1834, entre Sa Majesté Sarde et la Reine de la Grande Bretagne, qui prescrit que tous les navires sous pavillon Sarde arrêtés en exécution des Conventions du 30 Novembre, 1831, et du 22 Mars, 1833, seront conduits et remis dans le port de Gênes, il avoit déjà fait des dispositions pour que le schooner Sarde fut conduit à Sierra Leone, et avait menacé le capitaine de ce navire de jeter inhumainement tout son équipage sur cette côte insalubre.

3°. Que l'irrégularité et la violence avec la quelle la visite a été opérée par les nègres employés à cet office a causé au capitaine et aux armateurs du schooner "*Furia*" les pertes énumérées dans les dépositions, ci-jointes, for-

mant une valeur totale de dollars 3814; 75, dont ils réclament le dédommagement.

En soumettant le contenu de la présente Note à son Excellence Monsieur le Vicomte Palmerston, le Soussigné vient réclamer avec instance sa bienveillante et prompte intervention pour qu'une enquête soit instituée sans délai afin de vérifier les faits qu'il y a détaillés; et si, comme il n'en doute pas, ils sont constatés, il s'en rapporte avec confiance à l'esprit de justice qui caractérise le Gouvernement Britannique, pour qu'on accorde aux armateurs du schooner Sarde "*Furia*" les dédommagements qui leur sont dus.

Le Soussigné saisit avec empressement cette occasion pour renouveler à son Excellence Monsieur le Principal Secrétaire d'Etat les assurances de sa plus haute considération.

(Signé) POLLON.

A son Excellence le Vicomte Palmerston, G.C.B.,
&c. &c. &c.

Enclosure in No. 130.

L'Anno del Signore mille ottocento quaranto, il giorno vent' uno del mese di Settembre alle ore dieci antimeridiane, nanti noi Antonio Giuseppe Armando, Vice-Console di Sua Maesta Sarda nella provincia di San Salvatore, alla residenza di Bahia,

E personalmente comparso il Capitano Angelo Torre, commandante la goletta nazionale "*Furia*," proveniente dalle Coste d'Africa, in commercio lecito, attualmente ancorata in questo porto, il quale, previo prestato giuramento di dire la pura verita, espone quanto segue:—

Il giorno 20 Giugno, 1840, alle 5 A.M. sifece vela dalla Rada di Mina (costa di Guinnea), per andare ad ancorare su quella di Capo Coast, il vento soffiava leggiero dal sud, il cielo coperto; alle $7\frac{1}{2}$ si diede fondo di fronte al forte Inglese, in 9 braccia d' acqua.

Poco dopo fondati, venne una canoa a bordo battendo bandiera Inglese, inviata dal commandante del forte per sapere la nostra provenienza: profittai della medesima per audare a terra assieme al mio pratico Manoel Joaquim da Costa, per trattare la vendita del mio carico; visitando qualche negoziante di Capo Coast conobbi che nulla potera vendere che mi convenisse, e già mi disponeva per audarmene a bordo quando verso le quattro pomeridiane comparve alla vista un brigantino da guerra Inglese che tutti dicevano essere il "Persian," commandante W. H. Quin. Desideroso di essere visitato più in questo porto della costa che in altri a causa di essere colonia Inglese e per cosi far conoscere che io non mi dirigera se non che in libero commercio, mi decisi d'attendere sino all' indomani. Verso le sei pomeridiane il brigantino suddetto amorò sulla rada di Capo Coast non lungi dalla barca da me commandata.

Il giorno 21 detto, cielo caliginoso, vento poco dal sud, verso le 9 del mattino, mi recai abordo ove trovai due ufficiali del brik "Persian" e più soldati armati che, a quanto mi disse il mio secondo, vi erano venuti fino dal giorno avanti e rimasti tutta la notte. Non tardò molto al mio arrivo di venire abordo il Commandante Quin che mi chiese le carte di bordo e dopo di averle esaminate le diede a custodire a un suo. Ufficiale dicendomi che volera visitare il carico. Non mi opposi e già ordinava al mio equipaggio di mettersi all' opera per ciò cseguire, ma mi fu vietato di nulla fave dicendomi che fra poco verrebbe dal suo bordo gente à ciò dedicata. Ciò detto imbarcossi nel suo canotto et andò a terra; comparve quindi infatti dopo pochi minuti una ventina di neri è principiarono a rivolgere il carico con tutta la massima mala maniera possibile; a nulla riguardavano basta che gettassero merci in coperta, poco loro importava che si rompessero o danneggiassero; mi laguai di ciò coll' ufficialità facendo loro osservare che mi avevano già rotto una buona porzione di damegiane, rovinata attra porzione di rolli di tabacco con farvi grandi buchi con piedi di porco e stracciando la cappa; le mie laguanze furono poco intese perche continuarono sempre a fur lo stesso, anzi, avendo trovato 10 casse di corallo, le gettarono di slaurio in coperta e con dispetto, di modo che battendo sopra la detta coperta si sconquassavano e si rompevano. In fine dopo che tutta era imzombra la coperta di merci e scoperta fino al piano inferiore la stiva del barco e nulla avendo trovato che potesse ren-

dere il barco sospetto giacchè in effetto, nulla es isteva se non che il puro carico, allora incominciossi a rivolgere alla camera; quattro di quei manigoldi di nevi che visitarono il carico (forse scelti fra i peggiori) furono destinati a tal visita; l' impossibile ad esprimere con quanta mala maniera si dedicassero a compiere il loro officio; cominciarono dal mio camerotto e quante carte, libri, conti e quaderni si trovarono in una scrivania fu tutto senza distinzione gettato in mezzo del suolo della camera non badando che si stracciasse, rovinasse, anzi procurarono di stropicciare carte e libri per ciò ottenere; trovarono ancora nella medesima scrivania un centinajo di collonati, diverse monete del Brasile e due scatole contenenti orologi, cordoni, bottoni d'oro di mia spettanza ed uso particolare; il tutto fu gettato a terra senza più attenzione del' altro; dall' altra parte si vuotavano i pagliacci e misturavano lafoglia con carte, conte, ed altri stracciavano i materassi a vece di scucirli e visitarli; in fine troppo lungo sarebbe il descrivere minutamente tutto ciò che praticarono d'insolenzec e vessazioni; mi lagnai altra volta e gli uffiziali che si trovavano presenti e che riguardavano con occhio indifferente tutto ciò che passava, ripresero alquanto i neri, ma ordini anteriori bisognava che fossero dati, giacché continuarono a far lostesso. Quando tutto fu cosi rivolto senza nemmeno toccare una carta per leggerla, si aspetto il Commandante Quin che giunse verso le quattro pomeridiane accompagnato dal suo commissario, il quale, dopo avere dato un leggiero sguardo sì al carico che alla camera, ordinó che fossero ammassate tutte le carte che si trovavano sparpagliate sul suolo di quest' ultima, e nel medesimo tempo si rivolse a me dicendomi se nel caso mi prendesse il barco, qualche danno mi avrebbe pagato. Gli risposi che non sapera come ciò potesse praticare, se non che abusando del potere della forza ma che in tal caso sarebbe il Governo Inglese che pagherebbe: Soggiunse il Commandante Quin che il mio barco era sospetto e che impossibile era ancora che un barco fino e di' tal classe potesse dedicarsi al commercio lecito soltanto, e che per consequenza mi avrebbe mandato a Terra Leone. Gli domandai allora cosa mi trovava abordo che gli potesse dare il diritto di ciò praticare; esitó un poco avanti di rispondermi, al fine disse che il mio carico era in contrabando. Ripresi io, che non sapera come un carico di tabacco ed acquavita potesse essere in contrabando tanto più venendo accompagnato da un manifesto, qual manifesto, oltre essere fatto e firmato dal mio consignatario in Bahia, era ancora legallizzato dal mio console e visato dal Console Inglese. Mi rispose che bastava essere prodotto del Brasile per essere in contrabando, ma che poi quella non era sola la causa; ordini particolari del suo Governo gli davano il diritto di ciò fare e che era deciso di mandarmi a Terra Leone onde colà sarei giudicato dalla commissione mista e che se mi avessero trovato assolvibile, l'avrebbero fatto. Gli feci allora osservare che non potera mandarmi a Terra Leone senza violare il trattato sottoscritto in Torino dai Plenipotenziari Sardi, Francesi ed Inglesi, 18 Agosto, 1834, e 18 Dicembre dello stesso anno concernente la repressione della Tratta dei Negri, e che l'Articolo 4° di detto Trattato, molto chiaro parlava a tal proposito, e che in virtù di ciò non poteva se non che mandarmi a Genova per colà essere giudicato dal mio Governo. A tutto questo mi fu risporto che non conosceva Trattato nessuno, e che non avera nessura responsabilità eche per ciò mi avrebbe mandato a Terra Leone.

Vedendo io allora che mon voleva ragione e che bisognava cedere al potere della forza dissi al Commandante Quin che mi protestavo di danni, spere, interessi che causar poteva al carico ed al Barco e che mi riservava al mio primo— approdo in parti ove esistessero autorità Consolari a ciò far presente l'occorso e rendere maggiormente più valida la mia protesta; mi rispose che potevo fare tutto ciò che voleva, che poco gli importava. Rivolgendosi poi ai due Ufficiali che assistirono alla visita, sì fece consegnare tutte le carte che avevano ramassate nella Camera e, parlando loro a parte, dopo pochi minuti parti. Si tosto partito il Commandante che principiavono a gettare a basso le merci che erano in coperta nella medesima maniera che erano state poste sopra; tutte le provviggioni erano state messe pure in coperta e vi rimaneva ancore le 10 casse corallo; già era mezza notte, e non si trattava di levare tutto ciò nel mentre che una trentina di neri, marinari e soldati si andavano servendo di vino ed acquavita ed altre provvigioni a loro piacere; a me non mi era permesso di far toccare il menomo oggetto dal mio equipaggio. Mi lagnai ai due ufficiali che erano a bordo e dissi loro che quantunque considerassero il barco come una presa, rimaneva ancora un giudizio a passave e che aspettassero che fosse del tutto condannato avanti di far dare il bottino; allora mi permisero di far met-

tere le proviste abasso dal mio equipaggio: due bariti si vino si trovarono vuoti ed altre proviggioni decimate. Nel mentre che si mettevano abbasso i soldati ed i nevi gettarono nella camera le casse coralli religandole e accommodandole alla meglio perché erano tutte rovinate stante la mala maniera che erano state gettate in coperta. Tutto ad un tratto mi giro, e veda un officiale che aveva un masso di corallo nelle mani, le domandai dove l'avevo preso, mi disse nelle mani di un nero ma che non l'aveva potuto conoscere per farlo castigare: mi parve un pò strano prendere dalle mani di un altro un oggetto e non conoscerlo, ma era un autorità, mi tonò tacere. Si passò tutta la notte con gran confusione d'equipaggio del brik "Persian," che andava e veniva. Non potevo conoscere la causa, ma la conobbi bene al indomani.

Il giorno 22 detto, alla mattina appena alzato dal letto, feci visitare una pipa vino e una acquavita che erano rimaste in coperta e le trovai tutte due mancanti più della metà fù allora che conobbi l'andar e vieni della notte scorsa. Fino alle due P.M. non vi fù novità: si aspettava il Commandante Quin che venisse di terra mentre qualche soldato visitava sempre nella camera e in tutti i renconi. Comparve alfine il commandante e dopo aver partato con i due ufficiali che erano rimasti a bordo, si rivolse a me e mi disse che aveva ancora benpensato sul proposito di mandarmi a Terra Leone e che aveva deciso per ciò che le consegnassi le armi che avevo a bordo come pure il danaro: nel medesimo tempo ordini al mio equipaggio che portasse tutta la sua roba in coperta e che si tenessero pronti per passare a bordo del suo brik. Gli dimandai per qual motivo mi levava il mio equipaggio, mi rispose che cosi era il costume e che solo mi avrebbe accompagnato il mio dispensiere il rimanente sarebbe messo a terra nel primo porto della costa che avesse approdato. Lo pregai allora a non volere praticare simile barbarità giacché avrebbe senz' altro causato la morte a tutto il mio equipaggio, mettendolo a terra privo di tutti i mezzi di sussistenza, e in costa infetta dall' aria mal sana, che poco vi resisterano perfino quei pochi Europei che avevano le maggior cure: furono inutili le mie preghiere: inflessibile non mi rispondera se non che per negarmi ciò che gli domandava. Discese il Commandante Quin nella camera e dissemi che gli consegnasse il denaro: avevo già venduto al Castel di Mina 800 circa rolli di tabacco e qualche pipa acquavita; il prodotto era la maggior parte in oro in polvere ancora non chiuso ed in vasi di porcellana, lo misi sopra la tavola e glielo consegnai protestandomi di bel nuovo, nel mentre il Commandante Quin senza pur badare alle mie parole, ordinó che si facesse altra visita. Tralascieró d'esprimere le vessazioni ed abusi che commisero in ciò eseguire: dei mastri d'ascia furono mandati a prendere abordo del "Persian:" si tosto giunti cominciarono a visitare le Pareti forarle o scavessarle quando tutto fù in ordine il Commandante sali in coperta ed ordinó che fosse imbarcata in una lancia tutta la roba del mio equipaggio ed imbarcandosi esso pure andó al suo bordo lasciando l'oro e l'altro denaro tutto aperto sopra la tavola ed alla poca discrezione de suoi agenti. Verso le 4 pomeridiane il Commandante Quin mi mandò a prendere in una sua imbarcazione, e fui condotto a bordo de brik: Là altro esame ebbe luogo e nuove questioni sul nostro trattato. Voleva il Commandante appigliarsi dicendo che avevo 200 damigiane vuote e che il nostro trattato vietava di portare qualunque sia sorta di oggetto che capace fosse contenere acqua. Gli feci osservare che lo damigiane erano per riempire d'acquavita e che inoltre, in virtù del medesimo trattato, era perfettamente in regola, avendo un manifesto della dogana di Bahia che dichiarava tutto ciò che portavo a bordo. Molte furono ancora le questioni: in fine mi disse che prendessi le mie carte e che mi lasciava libero, e che inoltre, mi attendeva a pranzo con esso. Accettai per politica, ma si può immaginare con qual cuore, dopo essere cosi barbaramente trattato. Andai a bordo riportando la robu dei marinari con me mentre ritornai dopo poco per pranzare con il Commandante Quin, essendovi anche il Governatore di Capo Coast. Ritornai al mio bordo che il cielo cominciava a imbrunire, mentre il Commandante Quin sospendera l'ancora per mettersi alla vela: mi venne in mente di far fare una visita per vedere se mancava nulla a bordo avendo ben a sospettare stante la costernazione in che ci avevano messi durante i tre giorni che si rimase arrestati, ma la prossima notte non lo permise e si è rimesso per l'indomani.

Il giorno 23 detto, appena giorno, abbiamo fatto vela e siamo andati a fondare a Annobon. Là giunti alle 8 di mattina si è proceduto a una visita generale e si trovò una cassa corallo, No. 4, che non teneva 17 massi del peso totale di 24¾lb. peso del Brasile; si estimò il danno avisto nelle proviste di bordo e si calcoló ascendere a ₰125: avendo pure pesato l'oro in polvere che aveva con-

segnato al Commandante Quin, e che lo stesso, senza prendersi cura, lo lasciò alla discrezione degli ufficiali, neri, e marinarj che mi aveva messo a bordo, lo trovai mancante 4 oncie e $\frac{3}{4}$.

Illustrissimo Signore, questo è quanto occorse in questi tre giorni credo anche necessario farle osservare die durante la mio permanenza lungo la costa di Guinnea ebbi a soffrire ancora tre visite tutte da diversi Barchi di Sua Maestà Britannica una fra le quali in Accra dal Commandante Horrok. Il 6 Guglio mentre mi trovava ammalato in terra, e senza avere riguardo al mio stato, hanno voluto che mi recassi a bordo, cosa che alterò molto la mia salute e mi condusse sull' orlo della sepoltura; e ancora da rimarcarsi che nella visita che ho avuto in seguito della prima, quantunque i Barchi fossero diversi, venne sempre a bordo per visitarmi il medesimo ufficiale che era col Commandante Quin all' epoca della prima visita che, da quanto ricordo, chiamavasi Horrok. In tutte le visite hanno violato l'Articolo 6 della Convenzione per la ripressione dei Neri, che in seguito (come rimarcherà dal mio Giornale di Bordo) il discarico del barco ha permesso di conoscere il danno sofferto mi rolli-tabacco e nelle damigiane; trovai rotte 44 di quest' ultime, e rovinati, a causa della mala maniera che causarono nel visitare gli agenti del Commandante Quin, 416 rolli che mi toccò vendere 3 pezzi e $\frac{3}{4}$ meno del prezzo ottenuto per gli altri.

Rimetto a V. S. Illma. il conto detagliato dei danni sofferti nella occasione che feci visitato dal brik "Persian," Commandante W. H. Quin, tralasciando di far menzione di piccoli oggetti di mio uso che trovai mancarmi dopola visita.

Segue il Conto.

Conto dei danni causati al carico e provigioni della Goletta Sarda "*Furia*" da me Commandata nel mio viaggio alla Costa di Guinnea, causati da una visita che ho av to dal brik di guerra Inglese "Persian," Commandante W. H. Quin, come rilevassi dal mio Giornale di Bordo.

	Dols.	Cents.
No. 4, cassa 1 corallo in peso Portoghese, 24¾lb. al prezzo di ℔ 85 la libra	2113	75
Mancanza trovata nella polvere d'oro nel tempo che rimase in potere, assieme al Bastimento ecarico, degli ufficiali, Equipaggio e Neri stati messi a bordo e che averano di tutto preso possesso onci 4¾	76	0
Danno causato a 416 mangolti nell' atto della visita con piedi di Porco e che si dovettero vendere in seguito colla differenza di ℔ 3¾ ciascuno da quelli non pregiudicati	1456	0
44 damigiane rotte nel destivare	44	0
Per diverse proviste in esse comprese una porzione di vino ed altra acquavita mancata da due pipe che erano sopra coperta	125	0
Totale	3814	75

Aggiunse il Capitano Giuseppe Angelo Torre che, a segiuto della soprascritta sua esposizione, protesta e riprotesta nel miglior modo e forma possibile, primieramente contro il Commandante Quin del brik "Persian," suoi ufficiali, e chi di diritto, come autori delle vessazioni, abusi, maltrattamenti e dei danni, spese, perdite ed interessi uniamente per loroo colpa sofferti, intendendo poi di protestare e riprotestare contro il Governo in uome e sotto i colori del quale si è permesso il Commandante Suddetto, da esso rivestito dei suoi pieni poteri, e come tale suo rappresentante, di agire nella maniera qui sopra esposta rendendolo principalmente risponsabile di tutti i danni, spese, perdite ed interessi lui cagionati avvalorando le sue solenni proteste, non solo per avere il suo Rappresentante mancato al diritto delle genti ed alle leggi dell' umanità, ma per avere col suo procedere manifestamente infranto il Trattato in vigore fra la Sardegna, la Francia e l'Inghilterra.

(Firmati) CAP. GIUSEPPE ANGELO TORRE.
ALESSANDRO LORENZO,
GUILHERME AL^ES. DE MEN^ES. } *Testimonii.*
A. J. ARMANDO, *il Vice-Console.*

E in seguito personalmente comparso Agostino Galleano, secondo a bordo della Goletta "*Furia*," Capitano Giuseppe Angelo Torre, il quale presto il dovuto giuramento, e di piena e libera volontà fece la deposizione seguente.

Che essendo ancorati sulla Rada di Capo Coast e non trovandosi a bordo il capitano, verso le 5 di sera, giunse un brik da guerra Inglese, il quale venne ad ancorare a poca distanza, quale non tardò molto a mandare un suo botto con due ufficiali a bordo, i quali montarono dentro, e domandando la provenienza e le carte di bordo, rispondendo esso che il capitano era a terra, fece toro vedere le carte mentre ordinavano ai loro marinarj di visitare nella stiva, e dopo di avere vedute le carti si sono recati anche loro a visitare da tutte le parti del barco; verso le 8 P.M. si partirono.

Alle 8 ½ venne un altro botto a bordo, e senza dir nulla si sono gettali dentro con una rapidità che sembravano pirati: erano due ufficiali con diversi soldati e neri armati, iquali vestarono tutta la notte a bordo. Che verso le 9 A.M. del giorno seguente venne il capitano assieme al pratico: gli ufficiali Inglesi fecero segnale con un tiro di fucile al brik e non tardò molto a venire a bordo il Comandante Inglese, chiedendo le carte di bordo e dopo di averle esaminate, le diede a custodire ad un suo ufficiale, ed ordinó loro di visitare il carico; il capitano ordinava già all' equipaggio di fare tal travaglio ma gli venne una lancia piena di neri e bianchi i quali erano destinati a fare tale visita nel carico. Il comandante imbarcossi nel suo canotto e andó a terra. Principiarono a rivolgere il carico colla maggior violenza, a gettare le merci in coperta, rompendo delle damigiane, stracciando le cappe dei rolli di tabacco, a colpi di piede di porco, che il capitano lagnossi contro gli ufficiali che non li rovinassero il carico, ma non ne-fecero caso. Dopo di avere scoperto il pagliolo del barco e nulla avendo trovato che potesse compromettere, lo hanno tralasciato e principiarono allora alla camera gettando tutto sotto e sopra col massimo dispetto, quanto existera nella camera.

Che verso le 4 P.M. giunse il Comandante Quin accompagnato da un altro ufficiale, il quale dopo avere dato un misero sguardo al carico come alla camera, rivolgendosi ai suoi ufficiali, prese le carte di bordo ed imbarcossi nel botto dicendo al capitano che domani sarebbe partito con lui per Terra Leone. Gettarono alla rinfusa il carico che avevano messo in coperta, lasciando solo le 10 casse-corallo che erano già tutte rotte dalla mala maniera di gettarle da una parte all' altra; durante la notte restarono a bordo facendo il barco come una locanda, che bevere, che mangiare; infine non poter esprimere il disordine che regnó durante la notte, e che, oltre di questo vide un ufficiale con un masso di coralli in mano, che gli fù richiesto dal capitano; che fatto giorno visitarono le proviste, e si trovarono con molta manianza nel vino, acquavita ed altre proviste mangiatorie. Si trovó anche del corallo sparso per la coperta. Verso le 8 di mattina vennero altri ufficiali e maestri d'Ascia visitando da tutte le parti del barco, specialmente più nella camera. Nel decorso di questa giornata venne da terra il Comandante Inglese. Dopo di avere parlato con i due ufficiali, si fece consegnare dal capitano tutti i denari che erano a bordo della vendita già fatta al castel di Mina di diversi rolli-tabacco e pippe acquav ta. Il capitano pose sopra la tavola tutto quanto aveva, era la maggior parte polvere in oro, e pochi colonati, protestandosi contro il suddetto comandante; che il comandante dopo di avere contato i denari e parlato con i suoi ufficiali parti lasciando il denaro sempre sulla tavola, alla disposizione di tutti. Visitarono fino a notte i mastri d'Ascia; come nulla trovarono di compromettere il barco, in seguito il comandante mandó a prendere il capitano che verso le 6, venne a bordo con le carte di bordo dicendo che eravamo liberi.

Che la mattina seguente si salpó, e fatto vela per andare a fondare in Animaboe là giunti il capitano fece fare una visita generale e si trovò una cassa corallo vuota del No. 4, che conteneva, 17 massi, si diede bilancio alla polvere e si trovò che mancava 4 e ¾ oncie.

Che verso le 9 di mattina giunse un altro brik di guerra Inglese il quale ancoró a poca distanza, mandó un botto con un ufficiale che era già stato a bordo all' epoca della prima visita. Visitate le carte di bordo, onde fece visitare nella stiva da suoi marinari e da due neri, mentre mandó a chiamare il suo Comandante Quinto, il comandante visitó anch' esso le carte. Egli domandó dov' era il capitano e sulla risposta che era a terra da diversi giorni ammalato di febbre, rispose che bisognava che venisse a bordo, che avendo spedito una tarroa venne il capitano e che dopo mille questioni e vessazioni ci lasció in libertà.

Avendo in seguito interrogato sei danni stati cagionati dalla visita del Comandante Quin, consistessero unicamente nella mancanza dei coralli e della

polvere doro disse, che nel consegnare il carico si sono trovate 44 damegiane rotte e 416 rolli-tabacco tutti rovinati sul prezzo dei quali furono obligati a fare un grande ribasso.

In fede del che si sottoscrisse con noi e coi testimonii.

(Firmati) AGOSTINO GALLEANO, *Secondo.*
ALESSANDRO LORENZ,
GUILHERME ALV^{ES}. DE MEN^{ES}., } *Testimonii.*
A. J. ARMANDO, *il V. Console.*

Essendo quindi personalmente comparso nanti noi Manoel Joaquim da Costa il quale, essendo invitato a fare una fedele esposizione di quanto era accadato a bordo della goletta Sarda "*Furia,*" Capitano Giuseppe Angelo Torre nel suo viaggio alla costa d'Africa al bordo della quale egli si trovava in qualità di pratico ed interprete, prestò il dovuto giuramento e disse quanto segue:

Che avendo ancorato a Capo Coast il giorno 20 Giugno, venne da terra, una carroa con bandiera Inglese per sapere la provenienza della goletta e che avendo egli assieme al Capitano Giuseppe Angelo Torre, profittato della stessa carroa per tentare collocare tutto o parte del loro carico in quel porto e non incontrando verun vantaggio nel mercato tornavansene a bordo la mattina seguente, assieme al detto capitano; trovò la goletta in potere di due ufficiali e più soldati armati del bordo del brik di guerra Inglese "Persian." Che poco dopo giunse il Comandante Quin e, dopo avere esaminate le carte di bordo, disse che volera visitare il carico, al che il capitano immantinente annuendo, diede gli ordini opportuni all' equipaggio; ma che il comandante subito si oppose dicendo aver gente adattata a tale lavoro e partì. Che poco dopo venne infatti una turba di venti circa neri iquali subito principiarono a mettere sotto-sopra il carico rivolgendo, amessando, e rompendo tutto quanto loro si presentava, facendo in pezzi damegiane e facendo servire dei piedi di porco per rovinare i mangolti calpestando, e trattando il tutto della maniera la più atrocee senza esistere la menoma provocazione per un tale procedere. Le cape di corallo furono con forza slanciate sulla coperta e per conseguenza tutte disconnesse e rovinate, trovandosi in seguito a mancare una porzione che si trovó a essere nella cassa, No. 4, in peso 24¾lb. Finito in tal modo di sacheggiare il carico corsero a dar l'assalto alla camera quattro neri, un soldato ed un ufficiale dove si commisero gli stessi non potendo più essere maggiori eccessi ed arbitravietá, facendo man bassa sopra tutto quanto loro si presentava, gettando vuotando, sparpigliando sul suolo carte, libri, danaro, orologii, strofinando, squadernando ciò che rinvenivano e commettendo le vessazioni, gli abusi e le enormitá che solo cadendo in mano di barbari sarebberosi potuto aspettare, venendo il loro furore sempre più aizzato dalle dimostrazioni epreghiere che loro venivano fatte di procedere con moderazione, lasciando loro di buona voglia libero il varco tosto che fosse giudicato non essere essi in loro diritto e in lecito commercio. Che stanchi in fine dell assalto, aspettarono soltanto il momento di poter riprendere il loro ufficio.

Dopo di avere in tal maniera rovinato il carico e la camera apparve il Comandante Quin il quale, avendo ordinato che si ramassassero tutte le carte sparse per la camera, mandolle al suo bordo e rivolgendosi esso al Capitano domandogli, se fuandogli egli la goletta prigioniera da chi ne riclamerebbe l'ammontare, al che il Capitano risposé che si farebbe pagare dal Governo Inglese non potendo egli ciò praticare che abusandó della forza. Ma che ad onta di tutto questo e della rigorosissima crudele e barbara visita, insisteva il comandante essere la goletta sospetta allegando delli pretesti insulgi e che per consequenza l'avrebbe mandato a Terra Leone, avendo egli ordini particolari dal suo Governo, che ve lo autorizzavano, non importandosi dei Trattati, schernendosi dei protesti, colla sicurezza della nessuna responsabilitá che egli sarebbe stato per incorrere, ed imponendo al fine al Capitano di prepararsi a partire per Terra Leone si ritirò.

Fu allora che cominciarono a ricacciare, slanciare, e calpestare nella stiva il carico che ne avevano tanto scandalosamente tirato il che fu eseguito con tanta furia, dispetto ed empietá, che non soli gravissimi ed incalcolabili danni diedero visibilmente al carico, ma che anche al bastimento potrebbe esserne derivato grandi danni, essendosi in ultimo messi a scavezzare e a dare dei colpi come se avessero voluto vedere se l' interno del leguo avesse potuto racchiudere qualche cosa per poterci compromettere. Non rimase in coperta che le 10 casse corallo.

Che furono altresì esposte allo loro insaziabile voracitá tutte le proviste le quali, mentre era proibito che fossero toccate dall' equipaggio, erano da loro manomesse e solo dopo molte preghiere permisero che si sottrassero assieme ai coralli che pareva avessero per divertimento sparsi per la coperta e che in mezzo a quella confusione vide il Capitano della goletta avvicinarsi ad un ufficiale del brik, e richiamargli un masso di coralli che si trovava nelle sue mani. L' ufficiale rispose alla domanda del Capitano che il masso di coralli lo aveva preso nelle mani di un nero, ma che non lo aveva conosciuto. Che tutta la notte passo nella maggiore confusione, avendo l' equipaggio del brik vuotato due barili vino, smezzatone una pipo, ed un altra di acquavita che si trovarono sopra coperta. Che lo stesso giorno 22 venne il comandante a bordo e rivolgendosi al capitano, dipegli che avendo deciso di mandarlo per Terra Leone gli ordinava di consegnarli le armi, i denari, oro ed altro che potesse trovarsi a bordo ingiungende al medesimo tempo all' equipaggio di consegnarli tutta la roba ed effetti che loro appartenera, e che si preparassero per passare a bordo del brik stante che, essendo la goletta prigioniera, dovevano essere sbarcati nel primo porto della costa nel quale approdassero. Che discendendo nella camera il capitano gli consegnó il denaro e l' oro in polvere procedendosi per ordine del comandante ad una nuova visita rigorosa nella quale intervennero i maestri d' ascia. Che ordinando in seguito che la roba dei marinari fosse imbarcata nel canotto del brik il comandante parti, lasciando l' oro in polvere ed il danaro nella camera. Che venne poi un canotto del brik ingiungendo al capitano di recarsi agli ordini del comandante, e che ritornando in seguito esso capitano colla roba dell' equipaggio dichiaró che erano stati messi in libertà.

Che nel decorso del viaggio ebbero a soffrire altre visite nelle quali eguali abusi e vessazioni, furono praticate obligando perfino il capitano che si trovava a terra ad abandonare il letto in cui giaceva da molti giorni attacato da gravissima malattia, per venire a presenziare le arbitrarietá che i signori crucieri a loro bel piacere commettevano.

Avendo poi interrogato il suddetto Manoel Joaquim da Costa riguardo ai danni che potevano essere stati cagionati dalle visite suddette, disse, che a misura che si vendeva e consegnava il carico si trovarono 44 damegiane rotte, 416 mangotti tabacco rovinati, una mancanza di 4¾ oncie d' oro in polvere, e 17 massi di corallo in peso 24¾ lbs., il che gli consta per avere egli trattato assieme al capitano della vendita di tutto il carico, e tutti questi danni unicamente essere stati cagionati dagli eccessi e dagli abusi che furono commessi nelle sopracitate visite, essendo essi stati costretti a fare un ribasso nei 416 maggotti di $ 3¾ ciascheduno.

In fede del che si sottoscrisse con noi e coi testimonii.

(Firmati) MANOEL JOAQUIM DA COSTA.
ALESSANDRO LORENZ,
GUILHERME ALV^ES. DE MEN^ES., } *Testimonii.*
A. J. ARMANDO, *il Vice-Console.*

Si è in seguito proceduto all' interrogazione del marinaro Luigi di Barbieri il quale previo prestato giuramento di dire la pura veritá espone quanto segue:

Che essendo giunto a Capo Coast, il capitano discese a' terra assieme al suo practico della costa, diede fondo a poca distanza un brik da guerra Inglese, e mandó poco dopo un canotto a bordo della goletta con due ufficiali e varij soldati armati i quali s' impossessarono subito del bastimento dove si fermarono tutta la notte. Che essendo venuto all' indomani mattino il capitano, fù raggiunto dopo poco dal comandante del brik Inglese il quale avendo veduto le carte disse che voleva visitare il carico. Mettendosi allora l'equipaggio, dietro l'ordine ricevuto dal loro capitano, per mostrave il carico, il comandante proibi loro di neppure muoversi e parti. Che venne in seguito più di venti neri i quali principiarono a gettare in coperta tutto quanto loro cadeva nelle mani, rompendo damigiane, stracciando e fucendo buchi nei mangotti, aprendo casse di corallo, infine trattando il carico come se fosse roba rubata, che discesero poi nella camera dove ne fecero attrettanto ; che avendo poi finito quel bel travaglio, e lasciando tutto sottosopra cominciarono a dar di mano alle proviste ed a servirsi senza discrezione di vino, acquavita, mangiando ebevendo per dispetto. E che non solo non si contentavano di mangiare, bere e rovinare roba e proviste ma che vide un ufficiale con un mazzo di coralli in mano che gli fu riclamato dal capi-

tano, qual masso faceva parte d'una cassa che si trovava vuota e passarono in questo modo la seconda notte. Che essendo venuto la mattina il comandante ed avendo di nuovo fatto visitare e rivisitare ordinó che fosse anche presa tutta la roba dei marinari ed i rami, e che tutto fosse gettato nel canotto del brik Inglese, il che fu eseguito colla massima confusione non badando ne a chi l'avesse ne a chi non l'avesse e non permettendo loro di prendere neppure un pezzo di goletta, dicendo loro che siccome il barco era prigioniero e sarebbe portato a Terra Leone li sbarcherebbe sulla costa. Che avendo in seguito il comandante mandato a chiamare il capitano, ritornó quest' ultimo poco dopo rapportando loro la roba e dicendo che erano messi in libertá. Che avendo abandonato questo punto della costa dove erano stati tanto maltrattati, ebbero a soffrire varie altre visite in cui simili barbarità furono commesse e sempre per parte dei Signori Inglesi.

In fede di che si sottoscrisse assieme agli infrascritti testimonii e noi dopo d'essi.

(Firmati) LUIGI DI BARBIERI.
ALESSANDRO LORENZ
GUILHERME ALV^{ES}. DE MEN^{ES}. } *Testimonii.*
A. J. ARMANDO, *il Vice-Console.*

Essendosi poi presentato Andrea Semino prestó il dovuto giuramento di dire il vero e fece la seguente esposizione:

Che trovandosi la goletta ancorata a Capo Coast furono visitati da un brik Inglese il quale pose subito delle guardie a bordo, e che dopo la venuta del comandante a bordo, procederono ad una visita la più rigorosa e la più malgraziata che potesse essere umanamente fatta; che una tal visita fu fatta da più di 20 neri i quali pareva fossero d'accordo e chi rompeva e chi maltrattava più, non badando ni alla qualità ni al valore della mercanzia e che dopo di avere discaricato il bastimento e di avere per ancore o per forza fatto capire sopra la coperta quello che si trovava nella stiva, furono a fare uno scempio nella camera. Disse in seguito che in quanto a lui non potrebbe asseverare se, oltre gli enormi danni che diedero al carico, stimarono bene di servirsi altresi di quello che più potera loro aggradire, che peró egli ha veduto una cassetta la quale era stata messa in pezzi nel gettarle in coperta e che si trovava allora piena di coralli e che la rivide in seguito vuota. E che dopo di avere maltrattato il carico si misero a dare il sano alle proviste e che in tal modo passarono tutta la notte. E che il comandante essendo venuto a bordo la mattina seguente, previa altra visita, diede loro ordine di prepararsi per lasciare il bastimento dovendo essi essere gettati sulla costa, e quindi fece prendere tutta la loro roba portandosela a bordo del brik Inglese. Disse inoltre che dopo di essere stati liberati partirono e trovandosi in altro punto della costa non credevano di più sortire dalle mani degli Inglesi avendo essi varie altre volte ricominciato orrori e che credeva che non volessero più finirla sembrandro che si dessero la mano per non lasciarli un momento tranquilli.

In fede del che si sottoscrisse con noi, e coi testimonii.

(Firmati) ANDREA SEMINO.
ALESSANDRO LORENZ
GUILHERME ALV^{ES}. DE MENEZES } *Testimonii.*
A. J. ARMANDO, *il Vice-Console.*

Visto in questo V. Consolato di Sua Maestá Sarda, per copia conforme agli originali, inscritti al libro degli atti No. 1, dal foglio 86, al foglio 105.

A. J. ARMANDO, *il Vice-Console.*

Bahia, 22 Ottobre, 1840.

Pour copie conforme,

POLLON.

(Translation.)

In the year of the Lord 1840, the 21st of September, at ten in the forenoon, before me, Antony Joseph Armando, Vice-Consul of His Sardinian Majesty in the province of St. Salvador and town of Bahia,

There appeared personally Captain Angelo Torre, commander of the national schooner "*Furia*," proceeding from the Coast of Africa for the purpose of lawful

commerce, and now at anchor in this port; who, after taking his oath that he will speak the truth, states as follows:—

On the 20th of June, 1840, at 5 o'clock A.M., he made sail from Mina roadstead, on the coast of Guinea, with the view of casting anchor at Cape Coast. There was but little wind, and the sky overcast. At half-past seven o'clock he came to an anchor opposite the English fort, in nine fathoms of water.

A little after we were boarded by a boat under the English flag, sent by the commandant of the fort to inquire whence we came. I took this opportunity to go on shore, together with my factor, Manoel Joaquim da Costa, in order to make arrangements for the disposal of my cargo. Calling on a merchant of Cape Coast, I found that I could sell nothing to advantage, and was preparing to return on board, when about four in the afternoon an English brig of war hove in sight, which by all accounts was the "Persian," commanded by W. H. Quin. As I was desirous to be visited at this part of the coast rather than at any other, by reason of its being an English settlement, since it would enable me to show that I was engaged only in lawful trade, I determined to wait till to-morrow. About 6 P.M. the above brig anchored in the road of Cape Coast, not far from the vessel under my command.

On the 21st of the said month, the sky being cloudy, with a light breeze from the south, I returned on board, where I found two officers of the brig "Persian" and several armed soldiers, who, as I understood from my mate, had come thither the preceding day and had remained all night. Shortly after my arrival Commander Quin came on board and inquired after my ship's papers. Having looked over them he handed them to an officer that accompanied him, and said that he wished to examine the cargo. I made no resistance and was already going to give orders to my crew to set about carrying it into effect, when I was told that I must not interfere with that, as he would soon send men from on board his brig to see to it. He then went into his boat and returned on shore. In a few minutes we had among us some twenty blacks, who began to tumble the cargo in the worst manner possible, heedlessly pitching the goods on deck, and unmindful whether they broke or damaged them. I complained of this to the officers, pointing out to them that their men had already broke a good many of my demijohns, and spoiled a number of rolls of tobacco by wantonly picking holes into and tearing the wrappers. But little attending to my remarks they persisted in their practice, so much so that, meeting with ten boxes of coral, they negligently chucked them on deck, pitching on which they were smashed and dashed to pieces. The whole deck being now lumbered with bales and the hold laid open down to the lower deck without anything having been found to render the vessel suspected, as in fact she contained nothing but the mere cargo, they proceeded to rummage the cabin. Four of these miscreants of blacks, perhaps picked out from among the worst of them, were assigned this duty; and it is impossible to express how disgracefully they fulfilled it. Opening, first of all, my closet, they took out all the loose and stitched papers, books, and accounts contained in a desk and threw them indistinctly about the floor of the cabin, heedless whether they tore and destroyed them, or rather purposely with that view. In the next place there were in the desk a hundred dollars and several Brazilian coins, with two boxes containing watches, gold lace, and gold buttons, all for my private use, which they likewise cast on the ground. They then opened the palliasses and scattered the straw about the cabin, mixed with the papers. Others ripped up the mattresses instead of unseaming them preparatory to examination. There would be no end if I were to attempt minutely to describe all the particulars of their vexatious insolence. I once more complained to the officers, who witnessed these doings with indifference; they indeed blamed the blacks a little, but this proved ineffectual, no doubt owing to previous orders, as the negroes continued their mischief. When all had been turned over without so much as even to touch a letter for the purpose of reading it, they waited for Commander Quin, who arrived about 4 P.M., accompanied by his "Commissioner." The latter, slightly glancing at the cargo and cabin, ordered all the scattered papers to be taken up, and then turning to me asked in case he were to take my vessel, what compensation he should pay me. I replied that I did not know how he could act in this manner, unless he abused the power of the stronger; but that in such a case it would be for the English Government to pay. Commander Quin added that my vessel was suspected, seeing that a vessel of such a condition and class could not ex-

clusively be employed in lawful trade; he would therefore send me to Sierra Leone. I asked him what he had found on board of her to entitle him to pursue such a line of conduct. He hesitated a little before he answered, and then said that my cargo was contraband. I rejoined that I was at a loss to conceive how a cargo consisting of tobacco and brandy could be contraband, so much the rather as it was accompanied by a manifest furnished and signed by my consignee at Bahia, and moreover legalised by my Consul and countersigned by the English Consul. His answer was, its being Brazilian produce sufficed to constitute it contraband; nevertheless that was not the only reason; special orders from his Government gave him the right to act in this manner, and he was determined to send me to Sierra Leone to be tried by the Mixed Commission, and if they found me innocent they would absolve me. I observed to him that he could not despatch me to Sierra Leone without violating the Treaty signed at Turin by the Sardinian, French, and English plenipotentiaries on the 18th of August and the 18th of December, 1834, respecting the repression of the Slave Trade, and that the 4th Article of the said Treaty was quite in point, in virtue of which he could not do otherwise than send me to Genoa for adjudication by my Government. All the answer he made to this was, that he knew nothing of any treaty, and that he was under no responsibility, wherefore he would send me to Sierra Leone.

Finding that he would listen to no reason, and that I should have to yield to the power of force, I said to Commander Quin that I protested against all damages, expenses, and liabilities he might cause to the cargo and vessel, and that I reserved to myself on my first landing where there should exist Consular authorities to enable me to state the present transaction, and especially to impart more validity to this my protest. His reply was that I might do as I liked, for he cared very little. Then, turning to the two officers who witnessed the search, he desired them to give up to him all the papers they had picked up from the floor, and, after speaking to them in private, went away. The moment the commander was gone they began to throw into the hold the goods as carelessly as they had brought them up. The provisions remained still on the deck, as did the 10 boxes of coral. Though it was already midnight no one thought of removing these things, while some 30 blacks, sailors and soldiers, helped themselves to the wine, brandy, and eatables, as they pleased, while I was not allowed to touch anything belonging to my accommodation on board. I made complaint to the two officers, representing that they treated the vessel as a good prize before any sentence had been pronounced, and that she must be condemned ere she could be pillaged. They then permitted me to order my crew to remove the provisions again into the hold. Two barrels of wine were found to be empty, and a great deal of the other provisions was gone. While this was doing, the soldiers and the blacks threw the coral chests into the cabin, fastening and putting them in some order, as they had been extremely ill-used by being pitched on deck. On suddenly turning I saw that one of the officers had a large lump of coral in his hand, and asked him where he had taken it from; he said out of the hands of a negro, whom he had been unable to identify so as to get him punished. It seemed to me rather odd that he should have taken something out of the hands of a person without being able to recognise him, but, as he was a gentleman in authority, it became me to hold my peace. The night was passed in great turmoil, for the crew of the brig "Persian" kept continually going backwards and forwards. I had not for the moment the means of ascertaining the cause of these movements, but the next day I became possessed of the required information.

On the 22nd of the month above-mentioned, the moment I was up, I made my men examine a pipe of wine, and another of brandy, that had been left on deck, and they were both of them found more than half empty. I then became aware why there had been so much going to and fro during the preceding night. Till two in the afternoon nothing of any moment happened while they were expecting Commander Quin from the shore. Still, however, one or other of the soldiers kept going into the cabin, and prying into all corners. At length the commander made his appearance. After speaking to the officers that had remained on board, he turned to me, saying he had again considered about my being sent to Sierra Leone, and was now decided on it. I should, therefore, give up to him both the arms and the money I had on board. Meanwhile he directed my ship's company to bring all their clothes on deck and bade

them to prepare for going on board his brig. On my inquiring for what reason he deprived me of my crew, he answered, that such was the custom, adding that I should be accompanied only by my steward, and that all the rest should be set on shore at the first port he should put into. I entreated him not to commit such a barbarity, as the death of the whole crew must be the consequence if he put them ashore without any means of subsistence, and that too on a shore so pestiferous that few Europeans were able to endure it, even though they had the benefit of the most skilful physicians. My entreaties were to no purpose; he remained inflexible, and persisted in his refusal.

Commander Quin, then going down into the cabin, desired me to give him the money. At Castle Mina I had already disposed of about 800 rolls of tobacco and of some pipes of brandy. The proceeds were for the most part in gold-dust, which as yet I had secured only in some porcelain. This I placed on the table before him, repeating however my protest. He paid no attention to what I said, and ordered them to proceed to another search. I forbear enlarging on the rude and improper manner with which this was executed. Carpenters were sent for from on board the "Persian," who commenced searching the vessel by piercing and hacking the sides. In the next place the commander went on deck and ordered the whole clothing of my crew to be put into a boat, into which he stepped himself, leaving all the gold-dust and money open and exposed on the table, regardless of the low degree of discretion for which credit could be given to his dependants. Commander Quin ordered one of his boats to take me on board his brig, where I was examined over again, and had additional questions put me as to our Treaty. The Commander laid much stress on the circumstance of my having 200 empty demijohns, when our Treaty forbade the carrying of any kind of vessel capable of holding water. I observed that the demijohns were intended to be filled with brandy, and that in this respect I was perfectly justified by the Treaty, inasmuch as I was provided with a manifest from the Custom-house at Bahia, specifying all the articles I had on board. Having once more put many questions to me, he concluded by saying that I might take my papers and that he set me free—he also expected me to dine with him, and though I accepted this invitation out of politeness, it will be easily imagined with what grace I complied after having been the object of such barbarous treatment. I went on board and took the clothes of the sailors with me, but quickly returned to dine with the commander, where I also found the Governor of Cape Coast. I went back on board my vessel, as the sky began to lower, while Commander Quin weighed anchor with the view of putting to sea. It occurred to me to have my schooner examined immediately to see whether anything was wanting, as I entertained great suspicions on that subject from the confusion into which we had been thrown during the three days of our detention; but, as it was near nightfall, I put off the search till next day, the 23rd. On that day, the moment it dawned, we made sail and proceeded to cast anchor at Annobon. We arrived there about eight in the morning, and, on overhauling the vessel, we found that a coral chest, No. 4, contained only seventeen pieces, weighing 24¾lbs. Brazil weight. In the next place the damage sustained to our provisions was calculated to amount to 125 dollars. Finally, we weighed the gold-dust which I had handed over to Commander Quin, and which he had abandoned to the discretion of the officers, blacks, and sailors, whom he brought on board my vessel, and discovered therein a deficiency of four ounces and three-quarters.

The above, Most Illustrious Sir, is an account of what occurred during the three days in question. I also deem it necessary to add, that during my stay on the coast of Guinea, I had to undergo three different visits from the ships of Her Britannic Majesty, one of which was under the orders of Commander Horrock, at Accra. On the 6th of July, while I was ill on shore, they, heedless of my situation, made me repair on board, which so much affected my health as to bring me to the brink of the grave. It ought also to be observed that on the visit which they paid me after the first, the boat was different from that at the first visit, though the officer who came to search was still the same, namely, the subaltern who accompanied Commander Quin at the first visit, and whose name, as far as I can remember, was Horrock. In all their visits they have violated the 6th Article of the Convention for the repression of the Slave Trade, for, as will appear from my log-book, the unloading of the vessel afforded us an opportunity of ascertaining what damage was sustained by the

rolls of tobacco and demijohns. Of the latter I found 44 broken, and of the rolls 416 spoiled, in consequence of the rough usage given them by Commander Quin's agents, so as to compel me to dispose of the tobacco per roll at 3¾ "pezzie" less than the other rolls fetched.

I enclose to you, Illustrious Sir, a detailed account of the damages sustained on occasion of the visit of the brig "Persian," Commander Quin, without, however, mentioning a variety of small articles for my private use, which I missed subsequently to that visit.

Account of damages done to the cargo and provisions of the Sardinian schooner "*Furia*," commanded by me during my voyage to the coast of Guinea, on occasion of a visit or search made by the English brig-of-war "Persian," W. H. Quin, commander, as appears from my log-book.

	Dols.	Cents.
No. 4, chest of coral, weighing 24¾ lbs. Portuguese measure, at 85 dollars per lb.	2113	75
Deficiency discovered in gold-dust after it had been, as well as the vessel and the cargo, in the power of the officers, mariners, and blacks that were sent on board, and took possession of the whole—4¾ ounces . . .	76	0
Damage caused to 416 bales by means of iron crows during the visit, and which, in consequence, had to be sold with a difference of 3¾ dollars each as compared with the price of those not injured	1456	0
Forty-four demijohns broken on being taken from the hold	44	0
To a variety of provisions, inclusive of some wine and brandy extracted from two pipes left on deck . .	125	0
Total	3814	75

Captain Joseph Angelo Torre added that, referring to the above statement, he protests and reprotests in the best manner and form possible; in the first place against Commander Quin, of the brig "Persian," his officers, and against whom it may be lawful, as the authors of the vexations, abuses, ill treatments, and damages, expenses, losses, and liabilities sustained, solely through their fault; intending, in the second place, to protest and reprotest against the Government in whose name and under whose colours the above commander, invested with its full powers, and as such its representative, has permitted himself to act in the manner above stated, making him principally responsible for all the damages, expenses, losses, and liabilities, occasioned by him, confirming his solemn protests not only because its representative has been wanting to the law of nations and the laws of humanity, but because by his proceeding he has manifestly infringed the Treaty in force between Sardinia, France, and England.

(Signed) CAP. GIUSEPPE ANGELO TORRE.
ALESSANDRO LORENZO, } *Witnesses.*
GUILHERME AL^ES. DE MEN^ES., }
A. J. ARMANDO, *the Vice-Consul.*

And thereafter personally appeared Agostino Galleano, mate of the schooner "*Furia*," Giuseppe Angelo Torre captain, who took the required oath, and of his own full and free will made the following deposition:—

That when they were at anchor in the Road of Cape Coast, and in the absence of the captain, about five in the afternoon there arrived an English war brig which cast anchor a short way off, and which speedily despatched one of her boats with two officers who came on board inquiring whence she came, and asking for her ship's papers. Deponent answering that the captain was ashore, showed them the papers while they ordered their men to search the hold, and the officers after casting their eyes over the papers went over all parts of the vessel, and at 8 P.M. they went away.

Half an hour after 8 another boat came, the crew of which jumped aboard of the schooner, with a rapidity resembling that of pirates, without uttering a syllable: it consisted of two officers and several armed soldiers and blacks, who remained on board all night. About 9 A.M., of the day following, the captain came along with his factor. The English officers having made a

signal to the brig by firing a musket, her commander presently arrived on board.

He demanded the ship's papers, and after looking them over gave them in charge to one of his officers, directing them to examine the cargo. The captain desired his company to undertake that office, but there presently came a launch full of black and white men, who had orders to overhaul the cargo. The commander having returned on shore in his boat, his people began to turn over the cargo with the greatest violence, pitch the bales on deck, break the demijohns, and by means of iron crows to rip open the wrappers of the rolls of tobacco, so as to make the captain complain to the officers that their men would destroy the cargo, of which they took no notice. When they found nothing in the hold to commit the vessel, they turned to the cabin, which they rummaged, scattering about with the greatest wantonness all things it contained.

About 4 P.M. arrived Commander Quin, accompanied by another officer. He gave a very slight glance at the cargo and cabin, then turned to his officers, took the ship's papers, and went back in his boat, saying to the captain that to-morrow he would have to take his passage with him to Sierra Leone. They threw about in great disorder the goods they had carried on deck, leaving only the 10 chests of coral that were all broke in pieces, owing to the rough manner wherewith they had been moved. They staid all night on board, giving the vessel the appearance of a house of entertainment, where people eat and drank. Deponent can find no words to express the disorder which prevailed during the night. He saw an officer with a lump of coral in his hands, for which the captain asked him. When at break of day they examined the provisions, it was found that a great deal of the wine, brandy, and eatables was missing. Some pieces of coral were also scattered on deck. About 8 o'clock some other officers came, accompanied by carpenters, to search all parts of the vessel, particularly the cabin. In the course of this day arrived also the English captain, who, after a conference with the officers, made the captain give up to him all the cash he had on board, being the proceeds of the sale already effected at Castle Mina of several rolls of tobacco and pipes of brandy. The captain placed on the table all he had, consisting mostly of gold dust and a few dollars, protesting against the above commander, who, after counting the money and speaking with his officers, went away, leaving the treasure on the table at the disposal of whosoever would take it. The carpenters continued their search till night; but as they found nothing capable of rendering the vessel suspected, the commander sent back the captain, who arrived on board about 6 o'clock with the ship's papers, declaring that all were released. Next morning they weighed anchor and stood for Annabon, where the captain directed a general examination to be made, when a chest of coral, No. 4, which had contained 17 pieces, was found empty, and the gold dust, on being weighed, was found deficient $4\frac{3}{4}$ ounces.

About 9 A.M. another English brig arrived, which, after anchoring at a short distance, sent a boat with an officer who had already been on board at the time of the first visit. He looked at the ship's papers, and had the hold examined by his men and two blacks, while he sent for his captain. The latter having arrived also examined the papers, and inquired for the captain. On being answered that he was ill on shore and had been so for several days, the reply was that the captain must needs attend on board. A boat was sent for him, and after a thousand questions and much worry, we were left at liberty.

Being thereupon questioned whether the injuries occasioned in consequence of Commander Quin's visit were confined to the deficiency discovered in the corals and the gold dust, he said that when the cargo was surrendered, 44 demijohns were found broke, and 416 rolls of tobacco in so bad a plight as to occasion a considerable abatement in their price.

In faith of which he signed the deposition along with us and the witnesses.

(Signed) AGOSTINO GALLEANO, *Mate.*
ALESSANDRO LORENZ,
GUILHERME ALVES. DE MENES., } *Witnesses.*
A. J. ARMANDO, *the Vice-Consul.*

Hereupon Manoel Joaquim da Costa having personally appeared before us, he was invited to make a faithful statement of what had occurred on board the Sardinian schooner "*Furia,*" Captain Joseph Angelo Torre, on her voyage to

the Coast of Africa, on board of which he was in the capacity of factor and interpreter; he took the usual oath, and deposed as follows:—

That having anchored at Cape Coast the 20th of June, there came from the shore a boat under English colours to inquire whence the schooner came, and that deponent, together with Captain Torre, having availed themselves of the opportunity offered by the boat to dispose of part, or the whole, of the cargo in that port, they found that they could not do so to advantage, whence, on the next morning, deponent returned on board with the captain. He found the brig in the possession of two officers and several armed soldiers, who had come from on board the English brig "Persian." That soon after Commander Quin arrived, who, after examining the ship's papers, said he wished to look over the cargo, to which the captain, immediately assenting, gave the proper orders to the crew; but that the commander forthwith stopped it, saying that he had men fitted for that task, and took his departure. That soon after there came, in fact, a crowd of some twenty blacks, who tumbled and put everything topsyturvy, ripping up and breaking what they could lay hold of—smashing demijohns and employing crowbars to tear open the bales, and spoil them by treading upon, and using them in the most disgraceful manner without any provocation to such a conduct. The chests of coral were forcibly dashed on the deck so as to come undone and be spoiled, and that even subsequently a portion of chest No. 4 was missing, namely 24¾ lbs. weight. Having thus sacked the cargo, four blacks, a soldier, and an officer proceeded to attack the cabin, where they repeated the same wanton excesses by laying hands on all they could, throwing down, emptying, scattering on the floor papers, books, money, watches, disfiguring what they met with, and being guilty of such vexations, abuses, and enormities as only could be expected on falling into the hands of barbarians, their fury being the more excited by entreaties and solicitations addressed to them to proceed with moderation, since their impetuosity could not be stopped, and they being persons whom no authority could check. That, tired at last of the assault, they gladly looked forward to the moment of returning to their duties.

After thus damaging the cargo and cabin, Commander Quin came and ordered that all the papers scattered about the cabin should be taken up and carried on board his brig. He then asked the captain, in case the schooner were taken possession of as a good prize, on whom he would call for compensation. The captain made answer, "On the English Government; but the commander could not think of going that length without an abuse of power." In spite of this observation, and notwithstanding the just-mentioned most cruel and barbarous visitation, the commander on the most absurd grounds insisted that the schooner was suspected, and that, therefore, he would order her for Sierra Leone, as he had precise directions from his Government authorising him to it, adding, that Treaties were of no avail, that he paid no regard to Protests, and that he was certain of incurring no responsibility; he, therefore, desired the captain to prepare to take his departure for Sierra Leone; so saying, he went away.

They then once more overhauled, rummaged, and trod on the cargo in the hold, and proceeded altogether with such violence and heedlessness as not only to damage and injure the merchandise most grievously, but also to do mischief to the vessel, several parts of which they cut, hacked, and chipped as if desirous to discover something that might have compromised her. Only 10 chests of coral remained in the hold. They displayed an insatiable voracity in making free with the provisions, which they would not allow the crew to touch. It was only after many entreaties that they refrained. To scatter the coral all over the deck seemed to afford sport to them. Deponent saw his captain approach an officer of the brig, and question him about a piece of coral he held in his hand, to which the officer replied that he had taken it from a black whose person he was unable to point out. That the whole night was passed in the greatest confusion, as the brig's men emptied two barrels of wine, and half of a pipe of wine, and of another of brandy, which were left on deck. That on the same day, the 22nd, the commander came on board, and told the captain his determination of sending him to Sierra Leone. He also requested the surrender of all the arms, money, gold, and other articles on board, while he directed the crew to give up to him all the clothes and effects belonging to them. He also told them they would be transferred on board the brig; for the crew of the

schooner being prisoners, would be put on shore at the first port they should make. That the captain going down into the cabin, gave up to the commander the money and the gold-dust; and that then the latter proceeded to another most rigorous search, taking with him some carpenters. That the commander thereupon ordered the crew's clothes to be put into his boat, and went away, leaving the gold-dust and money in the cabin. That next day there came a boat ordering the captain to go and receive the directions of the commander. Presently the captain came back with the apparel of the crew, declaring that they were all set at liberty.

That in the course of their voyage they had to undergo other visits, attended by the same vexations and abuses. That one day the captain was on shore sick in bed, laid up with a dangerous malady, but that they made him leave his bed to present himself to hear the good pleasure of messieurs the cruisers.

The above Manoel Joaquim da Costa being farther interrogated as to the injuries resulting from the above visits, said, that when the cargo came to be taken out and sold, it was discovered that 44 of the demijohns were broken, 416 rolls of tobacco damaged, the gold-dust deficient $4\frac{3}{4}$ ounces, and 17 chests of coral wanting $24\frac{3}{4}$ lbs. in weight, which he knows by reason of having, along with the captain, been engaged in selling the cargo. He is also confident that all these injuries were owing exclusively to the excesses committed during the above visits, in consequence of which, on the sale of the 416 bales, it was found necessary to abate $3\frac{3}{4}$ dollars in the price of each.

In faith of which he signed his deposition in common with us and the witnesses.

(Signed) MANOEL JOAQUIM DA COSTA.
ALESSANDRO LORENZ,
GUILHERME ALV^{ES}. DE MEN^{ES}.,} *Witnesses.*
A. J. ARMANDO, *Vice-Consul.*

Thereafter the interrogatory of Mariano Luigi di Barbieri was proceeded to, who, having taken his oath that he would state the pure truth, deposed as follows :—

That when they arrived at Cape Coast the captain went on shore, together with his man of business from the coast. Then there anchored within a short distance an English brig, which shortly after sent a boat on board the schooner with two officers and several armed soldiers, who took possession of the vessel, staying all night. That the captain having come in the morning, he was soon after joined by the commander of the brig, who, after looking over the ship's papers, declared his intention of viewing the cargo. The crew thereupon, by order of their captain, were going to show the cargo, but the commander forbidding them to touch it, went away. That presently there came upwards of twenty blacks, who began to throw all they could lay hands on upon deck, breaking demijohns, ripping up the bales, opening the chests of coral—in a word, treating the cargo as though it consisted of stolen goods. Next, they went down into the cabin, where they did as much; that, having finished that pretty piece of business, and left everything higgledy piggledy, they proceeded to discuss the provisions, helping themselves as they listed to wine and brandy, and eating and drinking as much as they could. And that, not satisfied with eating and drinking and destroying things and victuals, deponent even saw that an officer had a piece of coral in his hand, which the captain reclaimed from him, and which constituted part of a chest found empty. Thus they passed the second night. In the morning the commander returned, and ordered a second search, directing also that all the clothes and utensils of the mariners should be given up, which were thrown into the boat of the English brig, which they did with the greatest confusion possible, without attending to whom the articles belonged, and not allowing the men to touch as much as a piece of biscuit, on the ground that the vessel was a prize, and would be carried to Sierra Leone, while the crew were to be abandoned on the coast. The commandant afterwards sent again for the captain. When the latter returned he brought them all their clothes, and said that they were set at liberty. That, after quitting this point of the coast, where they had experienced so much ill usage, they were exposed to other visits accompanied with similar barbarities on the part of messieurs the "Inglesi."

In faith of which he signed the above, along with the underwritten witnesses and ourselves after them.

(Signed) LUIGI DI BARBIERI.
ALESSANDRO LORENZ,
GUILHERME ALV^ES. DE MENEZES, } *Witnesses.*
A. J. ARMANDO, *the Vice-Consul.*

Finally there appeared Andrea Semino, who, having been sworn as to telling the truth, deposed—

That the schooner being anchored at Cape Coast, they were boarded by an English brig, which put guards on board, and that, on the arrival of her commander, they proceeded to a most rigorous and most disastrous search, in which were employed twenty blacks, who seemed to vie with each other who should be able to break and destroy the most, without paying regard to the quality or value of the commodity. After dragging up from the hold the goods on deck, they went on to put the cabin into the utmost confusion. Said also that himself was not able to affirm whether subsequently to causing such great injury to the cargo they had also helped themselves to what articles they might like; but that he saw with his own eyes a chest that had been smashed to pieces by being thrown on deck, and which, though then full of coral, was subsequently seen by him empty. That, after having maltreated the cargo, they attacked the eatables, and thus passed all the night. That the commander returned next morning, ordered another search, and bade them prepare for quitting the vessel, inasmuch as they were about to be cast out on the coast. He forthwith directed all their clothes to be taken on board the brig. Semino further stated, that, on being released, and having stood for some other point of the coast, they feared they should never get out of the hands of the English, who over and over again committed the same horrors so as to make it appear that they were determined never to let them have a moment's tranquillity again.

In faith of which he signed it, together with us and the witnesses.

(Signed) ANDREA SEMINO.
ALESSANDRO LORENZ,
GUILHERME ALV^ES. DE MENEZES, } *Witnesses.*
A. J. ARMANDO, *the Vice-Consul.*

Seen at this Vice-Consulate of his Sardinian Majesty for a true copy from the originals, which are entered in the book of Acts, No. 2, from folio 86 to folio 105.

A. J. ARMANDO, *the Vice-Consul.*

Bahia, October 22, 1840.

A true copy,

POLLON.

No. 131.

The Hon. R. Abercromby to Viscount Palmerston.

Turin, July 1, 1841.
(*Received July* 10.)

My Lord,

With reference to my Despatch of the 29th ult., relative to the employment by Sardinian agents of slaves in countries where slavery still exists, I have now the honour to transmit to your Lordship herewith copy of a note I have received from Count Solar de la Marguerite, accepting on the part of His Sardinian Majesty's Government the proposal made by your Lordship to prohibit the diplomatic agents and Consuls of Sardinia in slave-holding countries from employing for the future slaves, and thereby sanctioning the continuance of a system so revolting to humanity.

I have, &c.
(Signed) R. ABERCROMBY.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

Enclosure in No. 131.

Count S. de la Marguerite to the Hon. R. Abercromby.

Turin, June 30, 1841.

LE Soussigné, &c., &c., &c., areu avec re onnaissance la communication que Mr. Abercromby, &c., &c., &c., lui a fait l'honneur de lui adresser le 29 Mai dernier, contenant une circulaire qui a été transmise à tous les agens diplomatiques et consulaires d'Angleterre dans les pays où l'on se sert d'esclaves pour leur défendre de suivre un usage si répréhensible.

La Cour de Sardaigne, qui s'est associé si volontiers à celle de la Grande Bretagne pour accourir à la répression de la Traite des Noirs, partage pleinement les sentimens de celle-ci sur l'importance de faire cesser, autant que possible, le honteux commerce des esclaves.

Quoiqu'il ne résulte point au Soussigné qu'aucun des agens diplomatiques ou des consuls du Roi à l'étranger se servent d'esclaves, ni qu'ils en favorisent le traffic d'aucune manière même indirecte, il va néanmoins leur adresser incessamment une circulaire analogue à celle que Mr. Abercromby a bien voulu l i communiquer afin de ne rien négliger de ce qui peut dépendre du cabinet de Sa Majesté pour réprimer ou prévenir un commerce que la religion, la raison, et l'humanité réprouvent également.

Le Soussigné, &c.

(Signé) SOLAR DE LA MARGUERITE.

Monsieur Abercromby,
&c. &c. &c.

(Translation.)

Turin, June 30, 1841.

THE Undersigned, &c., has received with thankfulness the communication which Mr. Abercromby made to him on the 29th of May last, containing a circular which has been transmitted to all the diplomatic and consular agents of England in countries where slavery exists, to forbid them from following so reprehensible a custom.

The Court of Sardinia, which so willingly joined with that of Great Britain in assisting in the suppression of the Slave Trade, fully partakes the sentiments of the latter as to the importance of putting an end to the abominable traffic in slaves as soon as possible.

Although it does not appear to the Undersigned that any of the diplomatic agents or consuls of the King abroad make use of slaves, or favour the traffic in any way, even indirectly, he is nevertheless about to address to them forthwith a circular similar to that which Mr. Abercromby has had the kindness to communicate to him, in order that as far as depends on the Cabinet of His Majesty nothing may be neglected to repress or prevent a traffic which religion, reason, and humanity equally reprobate.

The Undersigned, &c.

(Signed) SOLAR DE LA MARGUERITE.

R. Abercromby, Esq.
&c. &c. &c.

No. 132.

Viscount Palmerston to Count Pollon.

SIR, *Foreign Office, July* 14, 1841.

I HAVE received your letter of the 2nd instant, containing further particulars of the complaint which you made on the 29th of September, 1840, against the conduct of Captain Quin, of Her Majesty's ship "Persian," in searching the Sardinian merchant vessel "*La Furia.*"

I have transmitted a copy of that communication to the Admiralty, and I have at the same time requested to know what may be the result of the inquiry, which, by my letter of the 2nd of November, 1840, you are apprised

would be made upon this case; and I shall have pleasure in again communicating with you upon the subject as soon as I shall have received the information which I have asked for.

I have, &c.
(Signed) PALMERSTON.

Count Pollon,
&c. &c. &c.

No. 133.

Viscount Palmerston to Mr. Abercromby.

SIR, *Foreign Office, July* 19, 1841.

I HAVE received your Despatch of the 1st instant, transmitting a copy of a note from Count Solar, stating that the Government of His Sardinian Majesty are about to prohibit their diplomatic and consular agents in slave-holding countries from being directly or indirectly interested in slave property; and I have to desire that you will express to the Sardinian Minister the cordial thanks of Her Majesty's Government for this communication.

I have, &c.
(Signed) PALMERSTON.

The Hon. R. Abercromby,
&c. &c. &c.

Nos. 134, 135, 136.

The Right Hon. Viscount Palmerston to the British Consuls at Nice, Genoa, and Cagliari.

Foreign Office, July 31, 1841.

Circular as to Greek Law on Slave Trade.

(See No. 5.)

No. 137.

The Hon. R. Abercromby to Viscount Palmerston.

Turin, July 26, 1841.
MY LORD, (*Received August* 3.)

I HAVE this day had the honour to receive your Lordship's Despatch, dated 19th of July, 1841, instructing me to express to Count Solar de la Marguerite the cordial thanks of Her Majesty's Government for the satisfactory reply which he has returned to the invitation made in the name of Her Majesty's Government, that Sardinian diplomatic and consular agents in slave-holding countries should be prohibited for the future from being directly or indirectly interested in slave property.

In compliance with the above instructions, I have addressed a note upon the subject to Count Solar de la Marguerite, copy of which I have now the honour to transmit to your Lordship.

I have, &c.
(Signed) R. ABERCROMBY.

The Right Hon. Viscount Palmerston, G.C.B.,
&c. &c. &c.

Enclosure in No. 137.

The Hon. R. Abercromby to Count S. de la Marguerite.

Turin, July 26, 1841.

THE Undersigned, Her Britannic Majesty's Envoy Extraordinary and Minister Plenipotentiary, &c., has the honour to inform Count Solar de la Marguerite, His Sardinian Majesty's First Secretary of State for Foreign Affairs, that having transmitted without loss of time to Viscount Palmerston the satisfactory reply which Count Solar de la Marguerite returned to the invitation made by the Undersigned, in the name of his Government, that the diplomatic and consular agents of his Sardinian Majesty in slave-holding countries should be prohibited for the future from being directly or indirectly interested in slave property; the Undersigned has been instructed to express to Count Solar de la Marguerite the cordial thanks of Her Britannic Majesty's Government for the above-mentioned communication.

The Undersigned therefore hastens to execute instructions so agreeable to his feelings, and which at the same time afford the strongest proof of the consideration in which the cordial co-operation thus given by His Sardinian Majesty for so desirable an end is held by Her Britannic Majesty's Government.

The Undersigned avails himself, &c.

(Signed) R. ABERCROMBY.

The Count Solar de la Marguerite,
&c. &c. &c.

No. 138.

The Earl of Aberdeen to Mr. Abercromby.

Foreign Office, October 30, 1841.

Circular sending Papers presented to Parliament.

(See No. 9.)

No. 139.

The Earl of Aberdeen to Count Pollon.

Circular sending Papers presented to Parliament.

(See No. 10.)

No. 140.

Mr. Lacroix to Mr. Bidwell.

British Consulate, Nice, October 5, 1841.

SIR, (*Received November* 22.)

I HAVE the honour herewith to acknowledge the receipt of Lord Palmerston's Despatch, dated July 31, with its enclosures, and will strictly adhere to the instructions which they convey.

I have, &c.

John Bidwell, Esq. (Signed) P. LACROIX, B.C.
&c. &c. &c.

No. 141.

The Earl of Aberdeen to Mr. Abercromby.

Foreign Office, December 27, 1841.

Circular for all Laws on Slave Trade.

(See No. 12.)

No. 142.

The Earl of Aberdeen to Count Pollon.

Foreign Office, December 31, 1841.

THE undersigned, &c., has the honour to acquaint Count Pollon, &c., that inquiries have been instituted into the facts stated in Count Pollon's note of the 19th of September, 1840, relative to the alleged misconduct of Commander Quin, of Her Majesty's ship "Persian," towards the Sardinian schooner "*Furia*," and that the result of this inquiry is as follows:—

Commander Quin, of Her Majesty's ship "Persian," the officer referred to, is dead; and the only officers left in that sloop who were present at the transaction complained of by Count Pollon, are the acting Master and the Purser. The account which they have given of this transaction is, that on the arrival of Her Majesty's ship "Persian" at Cape Coast, on the evening of the 20th of June, 1840, a long, low, three-masted schooner was seen at anchor near the shore; that her appearance was suspicious; that Commander Quin conceived it likely she might be a slave-vessel, and she was accordingly boarded for further investigation as to her nationality, and as to her equipments, and as to her cargo.

The name of this vessel turned out to be the "*Furia*," and she was represented to be a Sardinian vessel; but on board of her was a Spaniard. He had come from Bahia, a noted slave-trading port; and these circumstances increased the suspicions, already produced by the appearance of the vessel, that she was neither a Sardinian vessel nor employed on a legal voyage.

And although this Spaniard called himself a passenger, this circumstance did not allay the suspicions, because it is a custom for Spanish owners of slave-trading vessels to enter themselves as passengers on board their own vessels, and to maintain this character until everything is prepared for the embarkation of the slaves, when alone they assume the command of the vessel.

Lieutenant Quin, however, having satisfied himself that his suspicions were unfounded, endorsed the papers to that effect, and carefully replaced everything as originally found, and offered the master any assistance his vessel might stand in need of.

And he ended by inviting the Master to dinner on board the "Persian," and the invitation was accepted.

No further transactions of any kind occurred between the "Persian" and the "*Furia*."

The persons from whose statement the above account is drawn up, finally express their surprise that any complaint should have been made against Lieutenant Quin, who, as they assert, had always executed the arduous and delicate duties which he had to perform in a mild and conciliatory manner; and they bear testimony in particular to his unvarying good conduct on the occasion in question.

It would doubtless have been still more satisfactory to Her Majesty's Government to have been able to lay before the Sardinian Government a statement of this transaction from Lieutenant Quin himself; but the undersigned trusts that the foregoing relation of the real facts of the case will suffice to satisfy the Sardinian Government that a very exaggerated account of them has been given by those interested in the "*Furia*."

Her Majesty's Government, however, beg that Count Pollon will assure the Government of His Sardinian Majesty that Her Majesty's Government will always be ready to institute the most severe inquiries into any complaint against the conduct of officers in Her Majesty's service towards Sardinian vessels and subjects, and to give every proper reparation wherever it shall appear to be due.

The undersigned, &c.

(Signed) ABERDEEN.

Count Pollon,
&c. &c. &c.

TUSCANY.

No. 143.

Mr. Falconer to Viscount Palmerston.

Leghorn, March 1, 1841.
(*Received March* 13.)

My Lord,

I have the honour to forward the enclosed description of a vessel which is now under repair at this port.

It is difficult to obtain authentic information respecting vessels of this kind, as the object of those concerned is to conceal the truth; but there can be little reason to doubt that she is destined for the Slave Trade; and although I have no cause to suspect that British subjects or British capital are engaged in this vessel, I notwithstanding consider it my duty to transmit the enclosed information, copies of which I have likewise forwarded to Admiral Stopford at Malta, and the Governor of Gibraltar.

I have, &c.
(Signed) JOHN FALCONER, *Consul.*

The Right Hon. Viscount Palmerston, G.C.B.,
&c. &c. &c.

Enclosure in No. 143.

On the 3rd of January last, a very sharp, fast-sailing vessel, or *bovo*, arrived in this port from Mataro, on the coast of Spain.

She is called the "*Belisario*," commanded by Captain Pietro Rosis, under the Spanish flag.

She is rigged with two masts and a bowsprit; the foremast of large dimensions, raking forwards, with a large latine sail, mast and sail quite new; a mizenmast, also latine sail, quite new, and spreads; in all about 2250 yards of canvas. She rows 48 sweeps, 24 of a side, and had on arrival 42 seamen. She is now, after very expensive repairs, and new copper, about to take her departure, and clears out for the Havana. Will have 55 to 60 seamen, at 30, 35, and 40 Spanish dollars a month; is armed with an 18-pounder, 2 swivels, and 50 stand of arms, cutlasses, &c.; is provided with *water-casks for ballast*; and, it is said, irons, rings, boards for divisions, &c., for taking in slaves on the coast of Africa.

Leghorn, March 1, 1841.

No. 144.

Viscount Palmerston to Lord Holland.

Foreign Office, April 15, 1841.

Circular sending Treaty with the Argentine Confederation.

(See No. 1.)

No. 145.

Viscount Palmerston to Lord Holland.

Foreign Office, April 22, 1841.

(Circular sending Convention with Hayti.)

(See No. 2.)

No. 146.

Viscount Palmerston to Lord Holland.

My Lord, *Foreign Office, May* 8, 1841.

With reference to my previous Despatches respecting the facilities which the Tuscan Consul at Tunis affords to the transport of slaves from that port to other places, I now transmit to you a copy of a Despatch from Her Majesty's Consul-General at Tunis, stating, that ships laden with slaves receive from the Tuscan Consul at Tunis papers enabling them to pursue their voyage unmolested.

I have to desire that you will communicate the enclosed paper to the Tuscan Government, for such steps as they may feel it proper to take, in order to prevent the Tuscan Consul at Tunis from thus affording facilities to Slave Trade.

I am, &c.

Lord Holland, (Signed) PALMERSTON.
&c. &c. &c.

Enclosure in No. 146.

Sir Thomas Reade to Viscount Palmerston.

Tunis, February 27, 1841.

(See Class D.)

No. 147.

Viscount Palmerston to Lord Holland.

Foreign Office, May 11, 1841.

Circular as to proposed instructions to Tuscan functionaries in slave-holding countries.

(See No. 3.)

No. 148.

Viscount Palmerston to Lord Holland.

My Lord, *Foreign Office, May* 26, 1841.

Her Majesty's Government have received information, upon which reliance can be placed, that a Greek vessel, named the "*Miltiades,*" left Tunis apparently for Candia, on the 25th December, 1840, furnished with papers signed by M. Nyssen, acting Tuscan and Russian Consul at Tunis; the captain of the French brig "*Palinure,*" stationed at Tunis, and M. Gaspari, agent to M. Nyssen, having been cognizant of the delivery of those papers.

Although the wind was favourable when the vessel set sail, the captain caused her to remain in the Gulf of Tunis two days, lying off and on; and on the 27th of the same month the vessel returned to the road of Tunis, and anchored there. The passengers complained to M. Gaspari of this proceeding, but without effect.

On the 31st of December fourteen negroes were brought to the vessel, bound hand and foot, and were taken on board, and immediately afterwards, although the wind was contrary, the brig set sail for her ultimate destination. But the vessel having been driven to the island of Cephalonia, the captain summoned the passengers together, and made them take oath not to give him over to justice for his conduct in respect to carrying these slaves.

On the 6th of January one of the passengers, however, having landed on Cephalonia, stated to the authorities of the island the abovementioned facts; and the captain was thereupon desired to produce his clearance and muster-roll; but he declared that neither M. Nyssen nor M. Gaspari had delivered any such roll to him.

The Cephalonian authorities then proceeded on board the vessel, and found in her fourteen negroes in irons. These negroes were landed, and orders were given for further proceedings in the case.

You will communicate these facts to the Tuscan Government, with reference to the statement which, by my Despatch, Slave Trade No. 3, of the 8th instant, you have already been directed to make to that Government upon the subject.

I am, &c.
(Signed) PALMERSTON.

Lord Holland,
&c. &c. &c.

No. 149.

Lord Holland to Viscount Palmerston.

Florence, June 12, 1841.
(*Received July* 5.)

My Lord,

I have the honour to acknowledge the receipt of your Lordship's Despatches of the 8th and 26th of May last, respecting the facilities which the Tuscan Consul at Tunis affords to the transport of slaves from that port to other places.

In compliance with your Lordship's instructions I addressed a note to the Tuscan Government, embodying the facts contained in the Despatches from Her Majesty's Consul-General at Tunis, and I have now the honour to enclose a copy of the answer I have received from Prince Corsini.

Your Lordship will perceive that the Tuscan Minister for Foreign Affairs expresses some doubt as to the part said to have been taken by M. Nyssen in facilitating the transport of slaves in the Mediterranean, but promises to lose no time in demanding from him an account of his conduct upon the occasion referred to by your Lordship.

I have, &c.
(Signed) HOLLAND.

The Right Hon. Viscount Palmerston, G.C.B.,
&c. &c. &c.

Enclosure in No. 149.

M. Corsini to Lord Holland.

Florence, 9 *Juin,* 1841.

My Lord,

Par sa note du 24 Mai dernier, votre Excellence me fit l'honneur de me communiquer une Dépêche adressée au Foreign Office par le Consul de Sa Majesté Britannique à Tunis, où il etait dit d'une manière assez générique que M. Nyssen, agent de Toscane et de Russie, à la même résidence, se permettait de favoriser le transport des esclaves en délivrant des expéditions maritimes aux bâtimens qui en retenaient à leur bord.

Cette observation du Consul Anglais ne me parut pas avoir un grand poids, n'etant pas appuyée à aucun fait spécial, et emise comme elle était dans la circonstance où M. le Consul lui même était appelé par les autorités de Corfu à

vérifier quelle part put avoir prise un de ses agens subalternes, le Sieur Gaspari, à favoriser la navigation d'un brick Grec "*Miltiade*," passé en Décembre, 1840, de Tunis à Cephalonie avec des nègres en état d'esclavage.

En effet les ordres que tient M. Nyssen (de même que tous les autres agens Toscans résidant dans les pays où existe l'esclavage) sont si formels et rigoureux, qu'il ne pourrait aider à la traite ou transport des esclaves sans se rendre gravement responsable vis-à-vis du Gouvernement, et il n'est guère probable qu'il veuille de gaieté de cœur encourir une telle responsabilité.

C'est ce que je me fis un devoir de vous représenter, my Lord, dans mon entretien avec votre Excellence elle se reserva alors de me fournir sur l'affaire des notices plus détaillées; et par sa nouvelle note du 7 de ce mois vient de m'annoncer en effet que sur la foi de rapports parvenus au Governement de Sa Majesté, l'on peut retenir comme constant que le brick Grec "*Miltiade*" partie de Tunis pour Candie en Décembre dernier avec quatorze noirs à son bord, avait été muni d'expéditions par M. le Consul Nyssen.

Je ne conçois pas, il me faut l'avouer, my Lord, comment M. Nyssen en sa qualité d'agent Toscan ait pu délivrer des papiers maritimes à un bâtiment couvert d'autre pavillon que celui de S. A. I. et R. Monseigneur le Grand Duc.

Quoiqu'il en soit, je vais sans le moindre retard faire sommer M. Nyssen à rendre compte de ces procédés et expliquer nettement sa conduite en la dite occasion.

J'ai l'honneur, &c.

Pour le Ministre,

(Signé) N. CORSINI.

Lord Holland,
&c. &c. &c.

(Translation.)

My Lord, *Florence, June* 9, 1841.

By your note of the 24th May last, your Excellency did me the honour to communicate to me a Despatch addressed to the Foreign Office by Her Britannic Majesty's Consul at Tunis, in which it was said, in a manner sufficiently plain that M. Nyssen agent of Tuscany and of Russia, at that place, permitted himself to favour the transport of slaves by issuing clearances to vessels which had slaves on board.

The observation of the English Consul did not appear to me to be of much weight, not being supported by any specific fact, and made as it was on the occasion of the Consul himself being called upon by the authorities of Corfu to ascertain what share one of his subaltern agents, Mr. Gaspari, might have taken in favouring the sailing of a Greek brig, the "*Miltiades*," which went in December, 1840, from Tunis to Cephalonia, with negroes in a state of slavery.

In effect, the orders which M. Nyssen (as well as all other Tuscan agents residing in countries where slavery exists) has received, are so formal and rigorous that he could not aid in the traffic or transport of slaves without rendering himself seriously responsible to Government, and it is scarcely possible that he would wantonly incur such a responsibility.

This is what I thought right to represent to you, my Lord, at my interview with your Excellency, when you reserved to yourself to furnish me with more detailed information relative to the affair; and by your recent note of the 7th instant you in effect announce to me that on the faith of reports which have reached Her Majesty's Government, it may be considered as proved that the Greek brig "*Miltiades*," which sailed from Tunis for Candia in December last, with fourteen negroes on board, was furnished with clearances by Mr. Consul Nyssen.

I do not understand, I confess, my Lord, how Mr. Nyssen, in his quality of Tuscan agent, can have issued maritime papers to a vessel bearing any other flag than that of H. I. and R. H. the Grand Duke.

However this may be, I am about to call upon Mr. Nyssen, without the least delay, to give account of these proceedings, and to explain at full length his conduct on the said occasion.

I have, &c.

For the Minister,

(Signed) N. CORSINI.

Lord Holland,
&c. &c. &c.

No. 150.

Lord Holland to Viscount Palmerston.

Florence, June 12, 1841.
(*Received July* 5.)

My Lord,

With reference to your Lordship's Despatch of the 11th May, transmitting copy of the circular letter addressed by Her Majesty's Government to British functionaries in slave-holding countries, I have the honour to transmit to your Lordship herewith copy of a note which M. Corsini has addressed to me in reply to the communication on that subject which your Lordship directed me to make to the Tuscan Government.

I am, &c.
(Signed) HOLLAND.

Right Hon. Viscount Palmerston, G.C.B.
&c. &c &c.

Enclosure in No. 150.

M. Corsini to Lord Holland.

My Lord, *Florence*, 9 *Juin*, 1841.

J'ai eu l'honneur de recevoir l'office par lequel V. E. m'a communiqué une instruction adressée par le Gouvernement de Sa Majesté à tous les agens Britanniques résidant dans les pays où existe l'esclavage, dans le but de leur défendre—1, de s'immiscer dans les contractations et ventes des esclaves; 2, de retenir des esclaves dans leurs maisons et pour leur service personnel.

Les vues philanthropiques qui ont dicté une semblable mesure, et le désir exprimé que d'autres gouvernemens puissent aussi l'adopter, sont bien certainement très louables.

Les agens Toscans dans les pays susindiqués ne sauraient favoriser la traite ou le transport des esclaves sans encourir dans une grande responsabilité vis-à-vis du gouvernement, dont les ordres à cet égard sont très positifs, et en parfaite harmonie avec la législation en vigueur. Ces ordres ont été expressement confirmés en Septembre 1839. Veiller à leur exécution de la part des dits agens, et reprimer vigeureusement ceux d'entre eux qui pourraient s'en écarter, est envisagé par le Gouvernement Grand Ducal comme un devoir qu'il remplira toujours avec le plus grand empressement.

Agréez, &c.
Pour le Ministre,
(Signé) N. CORSINI.

A son Excellence Lord Holland,
&c. &c. &c.

(Translation.)

My Lord, *Florence, June* 9, 1841.

I have had the honour to receive the Despatch in which your Excellency communicated to me an instruction addressed by Her Majesty's Government to all the British agents residing in countries where slavery exists, to the end of preventing them—1, from taking part in contracts and sales of slaves; 2. from keeping slaves in their houses, and for their domestic service.

The philanthropic views which have suggested such a measure, and the desire expressed that other governments would also adopt it, are certainly very praiseworthy.

The Tuscan agents in the said countries could not encourage the traffic or the transport of slaves without incurring a great responsibility in the eyes of a government whose orders on this point are very positive and in perfect accordance with the laws in force. These orders were expressly confirmed in September, 1839. To watch for their execution on the part of the said agents, and to rigorously punish whosoever of them would deviate from them, is looked

upon by the Grand Ducal Government as a duty which it will always perform with the greatest eagerness.

Accept, &c.

For the Minister,

His Excellency Lord Holland, (Signed) N. CORSINI.
&c. &c. &c.

No. 151.

Viscount Palmerston to Mr. Falconer.

Foreign Office, July 31, 1841.

Circular relative to the Greek law against Slave Trade.

(See No. 5.)

No. 152.

The Earl of Aberdeen to Lord Holland.

Foreign Office, October 30, 1841.

Circular sending Papers presented to Parliament.

(See No. 9.)

No. 153.

The Earl of Aberdeen to Lord Holland.

Foreign Office, December 27, 1841.

Circular for all Law relative to Slave Trade.

(See No. 12.)

TWO SICILIES.

No. 154.

Viscount Palmerston to Mr. Temple.

Foreign Office, April 15, 1841.

Circular sending Treaty with Argentine Confederation.

(See No. 1.)

No. 155.

Viscount Palmerston to Mr. Temple.

Foreign Office, April 22, 1841.

Circular sending Convention with Hayti.

(See No. 2.)

No. 156.

Viscount Palmerston to Mr. Temple.

Foreign Office, May 11, 1841.

Circular relative to proposed Instructions to Neapolitan Functionaries in Slave holding countries.

(See No. 3.)

No. 157.

The Hon. William Temple to Viscount Palmerston.

Naples, June 18, 1841.

MY LORD, (*Received July* 4.)

I HAVE the honour of acknowledging the receipt of your Lordship's Despatch of the 11th ultimo, enclosing the copy of a circular letter which Her Majesty's Government has addressed to all British functionaries in slave-holding countries, and instructing me to address a note to the Neapolitan Government, inviting them to send instructions to their agents in slave-holding countries similar to those contained in the above-mentioned circular letter.

I accordingly addressed to Prince Scilla a note drawn up from your Lordship's Despatch, of which the enclosed is a copy, together with a copy of the circular letter and of the memorial of the Anti-Slavery Convention enclosed in that Despatch.

I explained the matter, also, verbally to the Prince of Scilla, who said that the only slave-holding country in which there were Neapolitan functionaries was the Brazils.

I have not yet received any answer to my note, except an acknowledgment of it, with the promise of submitting its contents to His Sicilian Majesty.

I have, &c.
(Signed) W. TEMPLE.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

Enclosure in No. 157.

The Hon. William Temple to Prince Scilla.

Naples, June 10, 1841.

As it would appear from information which has reached Her Britannic Majesty's Government that persons appointed by European Governments to reside as ministers, or consuls, or agents in slave-holding countries, are sometimes in the habit of hiring and maintaining slaves, and of engaging in undertakings in which slave property is concerned, and as by such practices the functionaries in question give an indirect sanction to slavery, and appear to countenance measures which tend to create a demand for slaves, the Government of Her Britannic Majesty has addressed to all British functionaries in slave-holding countries the circular letter, a copy of which the undersigned has the honour of enclosing to His Excellency the Prince of Scilla, &c. The British Government think it would be very important that the opinion of the Neapolitan Government should be expressed upon this subject in such a manner as to afford an additional discouragement to the Slave Trade, and are of opinion that much good would be effected in this respect if the Neapolitan Government would address to its agents in slave-holding countries instructions similar to those contained in the enclosed note and circular.

The undersigned has therefore been instructed by his Government to address to His Excellency a note inviting the Neapolitan Government to do so; and he doubts not but that the humane sentiments for which His Sicilian Majesty is so distinguished will induce him willingly to comply with the wishes of the British Government, and cause instructions of a similar nature to those contained in the enclosed circular to be addressed to Neapolitan functionaries residing in countries where slavery still unfortunately exists.

The Undersigned, &c.

His Excellency Prince Scilla, (Signed) W. TEMPLE.
&c. &c. &c.

Nos. 158, 159, and 160.

Viscount Palmerston to the British Consuls at Naples, Palermo, and Messina.

Circular relative to Greek law against Slave Trade.

(See No. 5.)

No. 161.

Mr. Goodwin to Mr. Bidwell.

British Consulate of Sicily,
Palermo, August 26, 1841.
SIR, (*Received September* 19.)

I HAVE had the honour to receive Viscount Palmerston's Despatch of the 31st of July, 1841, transmitting copy of a letter from the Greek Minister at the Court of London, together with a translation of a law, promulgated by the King of Greece, prohibiting the trade in slaves; and also a copy of a Despatch and its enclosures from Her Majesty's Minister in Greece upon the same subject.

I beg to assure you that, in obedience to Viscount Palmerston's instructions, I shall do my utmost to carry the humane intentions of His Majesty the King of Greece into complete effect.

I have, &c.

John Bidwell, Esq. (Signed) JOHN GOODWIN.
&c. &c.

No. 162.

Captain Gallwey to Mr. Bidwell.

British Consular Office,
Naples, August 30, 1841.
(*Received October* 8.)

SIR,

I HAVE the honour to acknowledge the receipt of Lord Palmerston's Despatch of the 31st of July, together with its enclosures, and I shall pay strict attention and obedience to his Lordship's instructions contained in the Despatch.

I have, &c.

John Bidwell, Esq. (Signed) THOMAS GALLWEY.
&c. &c.

No. 163.

The Earl of Aberdeen to Mr. Temple.

Foreign Office, October 30, 1841.

Circular sending Papers presented to Parliament.

(See No. 9.)

No. 164.

The Earl of Aberdeen to Prince Castelcicala.

Foreign Office, November 12, 1841.

Circular sending Papers presented to Parliament.

(See No. 10.)

No. 165.

Prince Castelcicala to the Earl of Aberdeen.

November 22, 1841.
(*Received November* 23.)

LE Prince de Castelcicala a l'honneur d'accuser réception à Son Excellence le Comte d'Aberdeen de la copie des papiers qui ont rapport à la Traite des esclaves, et que Son Excellence a bien voulu lui envoyer le 12 de ce mois. Il présente pour cette obligeance ses remercimens, &c.

Son Excellence le Comte d'Aberdeen,
&c. &c. &c.

(Translation.)

PRINCE Castelcicala has the honour to acknowledge to His Excellency the Earl of Aberdeen the receipt of a copy of papers relating to the Slave Trade, which his Excellency had the goodness to send to him on the 12th instant. He returns his thanks for the obligation, &c.

No. 166.

The Earl of Aberdeen to Mr. Temple.

Foreign Office, December 27, 1841.

Circular for all laws on Slave Trade.

(See No. 12.)

HAITI.

No. 167.

Captain Courtenay to Viscount Palmerston.

Port-au-Prince, November 14, 1840.
(*Received January* 4, 1841.)

My Lord,

I have the honour to enclose a copy of the Treaty of Accession on the part of the Haitian Government with France to the Conventions of November 30, 1831, and of March 22, 1833, between Her Majesty's Government and France, which will be found the same in meaning as the Treaty I signed on the 23rd of December last, although there are several verbal differences, and some transpositions and divisions of articles.

I have, &c.
(Signed) G. W. C. COURTENAY.

The Right Hon. Viscount Palmerston, G.C.B.,
&c. &c. &c.

Enclosure in No. 167.

Au nom de la Très Sainte et Indivisible Trinité.

Sa Majesté le Roi des Français ayant, en conformité de l'Article 9 de la Convention conclue le 30 Novembre, 1831, entre la France et la Grande Bretagne, pour la répression de la Traite, invité le Président de la République d'Haïti à accéder à la dite Convention et à celle du 22 Mars, 1833, entre les même Puissances ;

Et le Président de la République d'Haïti, également animé du désir de coopérer au même but d'humanité s'étant empressé d'accueillir cette proposition ;

Les deux Hautes Parties, dans la vue d'accomplir ce dessein généreux, et pour donner à l'Accession du Président de la République, ainsi qu'à son acceptation par sa Majesté le Roi des Français, l'authenticité convenable, et toute la solennité usitée, ont résolu de conclure à cet effet une Convention formelle, et ont en conséquence nommé pour leurs Plénipotentiaires, savoir :—

Sa Majesté le Roi des Français, le Sieur André Nicolas Levasseur, Chevalier de l'Ordre Royal de la Légion d'Honneur, et Son Consul Général en Haïti,

Et le Président de la République d'Haïti, le Sénateur Charles Bazelais ;

Lesquels, après s'être communiqué réciproquement leurs pleins pouvoirs, trouvés en bonne et due forme, sont convenus des Articles suivants :—

Article 1.

Le Président de la République d'Haïti accéde aux Conventions conclues et signées le 30 Novembre, 1831, et le 22 Mars, 1833, entre Sa Majesté le Roi des Français et feu Sa Majesté le Roi du Royaume Uni de la Grande Bretagne et d'Irlande, relativement à la répression de la Traite, ainsi qu'à l'Annexe de la seconde Convention, contenant les Instructions pour les Croiseurs ; sauf les réserves et modifications exprimées dans les Articles 2, 3, 4, 5, 6, et 7, ci-après, qui seront considérés comme additionnels aux dites Conventions, et à l'Annexe sus-mentionnée ; et sauf les différences qui résultent nécessairement de la situation du Président de la République d'Haïti, comme partie accédante aux Conventions en question après leur conclusion.

Sa Majesté le Roi des Français accepte l'Accession du Président de la République d'Haïti.

En conséquence, tous les Articles des deux Conventions susdites, et toutes les dispositions de l'Annexe susmentionnée, sauf les réserves et modifications dont il est ci-dessus parlé, seront censés avoir été conclus et signés de même que la présente Convention, directement entre Sa Majesté le Roi des Français et le Président de la République d'Haïti.

Les Hautes Parties Contractantes s'engagent et promettent réciproquement d'exécuter fidèlement, sauf les réserves et modifications exprimées aux présentes ; toutes les clauses, conditions, et obligations qui y sont stipulées ; et pour éviter toute incertitude, il a été convenu que les susdites Conventions, ainsi que l'Annexe de la seconde Convention, contenant les Instructions pour les Croiseurs, seront insérées ici mot à mot, ainsi qu'il suit :—

[Suivent les Conventions du 30 Novembre, 1831, et du 22 Mars, 1833, ainsi que l'Annexe y jointe.]

Article 2.

Les Hautes Parties Contractantes considérant que chacune des îles de Cuba et de Porto Rico n'est separée de l'île d'Haïti que par un canal de peu de largeur, conviennent que, par exception aux Nos. 3 et 4 de l'Article 1 de la Convention du 30 Novembre, 1831, les croiseurs Français ne pourront point visiter les bâtimens Haïtiens naviguant dans cette moitié de l'un et de l'autre canal qui baigne les côtes d'Haïti.

Article 3.

Il est entendu que l'Article 2 de la Convention du 30 Novembre, 1831, l'Article 1 de la Convention du 22 Mars, 1833, et l'Article 1 des Instructions y annexées, seront, en ce qui concerne les commandans des croiseurs Haïtiens, compris en ce sens que les dits commandans devront avoir le grade de capitaine, ou au moins celui de lieutenant, dans la marine de la République.

Article 4.

La dernière disposition de l'Article 5 de la Convention du 22 Mars, 1833, sera ainsi conçue ;

Cette portion, aussi long tems que la Législation de la République d'Haïti ne permettra pas qu'elle soit augmentée, sera de 50 pour cent. du produit net de la vente, sans aucune autre indemnité de quelque nature que ce soit.

Article 5.

L'Article 11 de la Convention du 22 Mars, 1833, sera modifié de la manière suivante :

Les deux Gouvernemens conviennent d'assurer la liberté immédiate de tous les captifs qui seront trouvés abord des bâtimens visités et arrêtés en vertu des clauses de la Convention principale ci-dessus mentionnée, ou de la présente Convention, toutes les fois que le crime de la Traite aura été déclaré constant par les Tribunaux respectifs, et ils se réservent de pouvoir au bien-être des dits captifs libérés, conformément aux lois respectives des deux états.

Article 6.

L'Article 5 des Instructions annexées à la Convention du 22 Mars, 1833, sera conçu ainsi :

Tous les navires Haïtiens qui seraient arrêtés par les croiseurs de Sa Majesté le Roi des Français, employés dans quelque station que ce soit, seront conduits et remis à la juridiction Haïtienne au Port-au-Prince.

Tons les navires Français qui seraient arrêtés par les croiseurs Haïtiens, dans quelque station que ce soit, seront conduits aux choix des dits croiseurs, soit à Gorée, soit à la Martinique, soit à la Guadeloupe, soit à l'Ile Bourbon, soit à Cayenne, et remis, dans tous les cas, à la juridiction Française, dans ces colonies.

Article 7.

Dans le cas où la République d'Haïti le jugerait convenable à sa situation, elle pourra n'envoyer des croiseurs que sur certaines stations, et même n'en armer aucun, sans cependant que pour cela elle soit dispensée d'accorder aux

croiseurs Français les autorisations stipulées en l'Article 5 de la Convention du 30 Novembre, 1831.

Article 8.

La présente Convention sera ratifiée, et les ratifications en seront éxchangées au Port-au-Prince, dans le délai de six mois, ou plus tôt si faire se peut.

En foi de quoi, les Plénipotentiaires ci-dessus ont signé la présente Convention en double original, et y ont apposé leurs cachets.

Fait au Port-au-Prince, le vingt-neuf Août, mil huit cent quarante.

(Signé) A. N. LEVASSEUR.
C. BAZELAIS.

(Translation.)

In the name of the Most Holy and Undivided Trinity.

His Majesty the King of the French having, conformably to the 9th Article of the Convention concluded on the 30th of November, 1831, between France and Great Britain, for the suppression of the Slave Trade, invited the President of the Republic of Hayti to accede to the said Convention, and to that of the 22nd of March, 1833, between the same Powers;

And the President of the Republic of Hayti, equally animated with a desire to concur in the same humane object, having cordially assented to this proposal;

The two High Parties, with the view of accomplishing this generous design, and of giving due authenticity, and all accustomed solemnity, to the Accession of the President of the Republic, and to the acceptance thereof by his Majesty the King of the French, have resolved to conclude to this effect a formal Convention, and have in consequence named for their Plenipotentiaries, that is to say:—

His Majesty the King of the French, Mr. André Nicolas Levasseur, &c.;

And the President of the Republic of Hayti, the Senator Charles Bazelais;

Who, after having reciprocally communicated to each other their full powers, found to be in good and due form, have agreed upon the following Articles:—

Article 1.

The President of the Republic of Hayti accedes to the Conventions concluded and signed on the 30th of November, 1831, and on the 22nd of March, 1833, between his Majesty the King of the French and his late Majesty the King of the United Kingdom of Great Britain and Ireland, relating to the suppression of the Slave Trade, as well as to the Annex of the latter Convention, containing Instructions to Cruizers, excepting the reservations and modifications expressed in the Articles 2, 3, 4, 5, 6, and 7, hereinafter given, which Articles shall be considered additional to the said Conventions and to the Annex above mentioned; and excepting the differences which necessarily result from the situation of the President of the Republic of Hayti, as a party acceding to these Conventions after their conclusion.

His Majesty the King of the French accepts the accession of the President of the Republic of Hayti.

Therefore, all the Articles of the two Conventions aforesaid, and all the conditions of the said Annex, shall, excepting the reservations and modifications aforesaid, be held to have been concluded and signed in the same manner as the present Convention, directly between his Majesty the King of the French and the President of the Republic of Hayti.

The High Contracting Parties engage and promise reciprocally to each other to execute faithfully all the clauses, conditions, and obligations of the present Convention, subject always to the reservations and modifications therein contained; and in order to prevent any uncertainty it has been agreed that the above-mentioned Conventions, and the Annex of the latter, containing Instructions to Cruizers, shall be inserted here, word for word, as follows:—

[Here follow the Conventions of November 30, 1831, and March 22, 1833, and the Annex thereto.]

Article 2.

The High Contracting Parties, considering that the islands of Cuba and of

Porto Rico are only separated from the island of Hayti by a narrow strait each, agree that, by exception to Nos. 3 and 4 of Article 1 of the Convention of the 30th of November, 1831, French cruisers shall not search Haytian vessels navigating within that half of one or the other strait contiguous to the coasts of Hayti.

Article 3.

It is agreed that Article 2 of the Convention of the 30th of November, 1831, Article 1 of the Convention of the 22nd of March, 1833, and No. 1 of the Instructions thereunto annexed, shall, as far as the commanders of Haytian cruizers are concerned, be understood in this sense, that the said commanders shall be of the rank of captain, or at least that of lieutenant, in the navy of the Republic.

Article 4.

The last stipulation of Article 5 of the Convention of the 22nd of March, 1833, shall be thus conceived:

This portion, as long as the Legislation of the Republic will not allow of its being augmented, shall be 50 per cent. on the net proceeds of the sale, without any other indemnity of any sort whatever.

Article 5.

Article 11, of the Convention of the 22nd of March, 1833, shall be modified in the following manner:—

The two Governments agree to secure the immediate liberty of all the captives who shall be found on board vessels visited and detained in virtue of the clauses of the principal Convention above mentioned, and of the present Convention, in all cases in which the crime of Slave Trade shall be declared proven by the respective tribunals; and they reserve to themselves to provide for the well-being of the said liberated captives, conformably to the laws of the two States.

Article 6.

The 5th Article of the Instructions annexed to the Convention of the 22nd of March, 1833, shall be conceived in these terms:—All Haytian vessels which shall be detained by the cruizers of his Majesty the King of the French, on any station whatever, shall be conducted and sent to Haytian jurisdiction at Port-au-Prince.

All French vessels which shall be detained by Haytian cruizers, on any station whatever, shall be conducted at the choice of the said cruizers, at Goree, at Martinique, at Guadaloupe, at the island of Bourbon, or at Cayenne, and given up in all cases to French jurisdiction in those colonies.

Article 7.

In case the Republic of Hayti shall judge it suitable to its situation, it shall have the power to send cruizers on certain stations only, and even to fit out none at all; without, however, being on this account able to dispense with granting to French cruizers the authority stipulated in the 5th Article of the Convention of November, 30, 1831.

Article 8.

The present Convention shall be ratified, and the ratifications thereof shall be exchanged at Port-au-Prince, within the space of six months, or sooner if possible.

In witness whereof, the above-named Plenipotentiaries have signed the present Convention in double original, and have affixed thereto their seals.

Done at Port-au-Prince, the twenty-ninth of August, one thousand eight hundred and forty.

(L.S.) A. N. LEVASSEUR.
(L.S.) C. BAZELAIS.

No. 168.

Viscount Palmerston to Her Majesty's Consul.

Foreign Office, April 15, 1841.

Circular sending Treaty with the Argentine Confederation.

(See No. 1.)

No. 169.

Viscount Palmerston to Her Majesty's Consul.

Foreign Office, April 22, 1841.

Circular sending Convention with Hayti.

(See No. 2.)

No. 170.

Mr. Thompson to Viscount Palmerston.

Port-au-Prince, March 20, 1841.

(*Received April* 30.)

My Lord,

I have the honour to inform your Lordship, that on the morning of the departure of G. W. C. Courtenay, Esq., Her Majesty's Consul, from this island, on leave of absence, he received a Despatch from your Lordship, from which he gave me the following extract, and requested that I would attend to its contents.

"I observe, however, that you have not transmitted to this office a copy of the note declaring the extent to which the maritime jurisdiction of Hayti was recognised by Her Majesty's Government, which you presented to M. Viallet on the exchange of the ratification; and I have to request that you will send a copy of that note, together with copies of the correspondence which passed between General Inginac and yourself."

In order to fulfil your Lordship's commands, I have now the honour to transmit a copy of the note addressed to M. Viallet on the exchange of the ratification. To this note I have found no answer from M. Viallet; and Mr. Brown, Acting Vice-Consul, who was present pending the conferences on the Treaty for the Suppression of the Slave Trade, informs me that no answer was returned, on the plea that the substance of this note was not inserted in the Treaty; and that subsequently a copy of the same note was sent to Secretary General Inginac, whose reply I have also the honour to transmit.

I beg leave further to remark to your Lordship that I have not been able to find a copy of the note addressed to General Inginac in the archives, which the General in his reply acknowledges to have received; and that to a second note addressed to M. Viallet there is likewise no answer.

I have, &c.

(Signed) HARRISON JAMES THOMPSON,
Acting Consul.

The Right Hon. Viscount Palmerston, G.C.B.,
&c. &c. &c.

First Enclosure in No. 170.

Captain Courtenay to M. Viallet.

Sir, *Port-au-Prince, August* 26, 1840.

I have the honour and pleasure to inform you that I have received the Queen's ratification, under the Great Seal of the United Kingdom of Great Britain and Ireland, to the Convention we signed on the 23rd of December last for

the suppression of the Slave Trade, and that I am ready to exchange the same against a similar instrument ratified by the President of Hayti.

I have, &c.

(Signed) G. W. C. COURTENAY.

Senator Viallet,
&c. &c. &c.

Second Enclosure in No. 170.

Captain Courtenay to M. Viallet.

Port-au-Prince, le 20 *Octobre,* 1840.

En échangeant la ratification de Sa Majesté du Traité d'Accession, de la part du Gouvernement d' Haïti, aux Conventions du 30 Novembre, 1831, et du 22 Mars, 1833, entre la Grande Bretagne et la France, pour la répression de la Traite des Noirs, contre la ratification du dit Traité par le Gouvernement d'Hayti, le soussigné Plénipotentiaire de Sa Majesté Britannique a reçu les ordres de Sa Majesté de déclarer que Sa Majesté a accédé à la stipulation par laquelle les croiseurs Britanniques ne doivent visiter les bâtimens Haïtiens au côté Haïtien du milieu des canaux qui existent entre Cuba et Haïti, et entre Porto Rico et Haïti, Sa Majesté voulant, par cela, assurer le commerce du cabotage d'Haïti contre la possibilité d'une molestation vexatoire quelconque par suite des mesures qui seront prises suivant le dit Traité.

Mais Sa Majesté trouve à propos de déclarer qu'en consentant à telle stipulation elle ne reconnait aucun droit de juridiction de la part du Gouvernement d'Haïti sur aucune partie des mers qui environnent l'île d'Haïti, au-delà de trois milles de la marque de la basse marée; celle-ci étant la distance à laquelle, suivant l'usage du temps moderne, la juridiction territoriale d'un état s'étend sur la mer qui baigne la côte de tel état.

Le soussigné saisit la présente occasion pour assurer Monsieur le Sénateur Viallet, Plénipotentiaire de la République d'Haïti, de son haut respect et de sa haute considération.

(Signé) G. W. C. COURTENAY.

Le Sénateur Viallet,
&c &c. &c.

(Translation.)

Port-au-Prince, October 20, 1840.

In exchanging Her Majesty's ratification of the Treaty of Accession, on the part of the Government of Hayti, to the Conventions of November 30, 1831, and of March 22, 1833, between Great Britain and France, for the Suppression of the Slave Trade, against the ratification of the said Treaty by the Government of Hayti—

The Undersigned, Her Britannic Majesty's Plenipotentiary, is commanded by Her Majesty to declare that Her Majesty has aceeded to the stipulation by which British cruizers are not to search Haytian vessels on the Haytian side of the middle of the channels which lie between Cuba and Hayti, and between Porto Rico and Hayti, Her Majesty being thereby desirous to secure the coasting trade of Hayti against the possibility of any vexatious molestation in consequence of the measures which will be taken in pursuance of the aforesaid Treaty.

But Her Majesty deems it right to declare that, by agreeing to such stipulation, she does not acknowledge any right of jurisdiction on the part of the Haytian state over any portion of the seas which surround the island of Hayti, beyond three miles from low-water mark—that being the distance to which, by the practice of modern times, the territorial jurisdiction of a state extends over the sea bordering upon the coast of such state.

The Undersigned avails himself of this opportunity of assuring Senator

Viallet, Plenipotentiary of the Republic of Hayti, of his high respect and consideration.

(Signed) G. W. C. COURTENAY.

Senator Viallet,
&c. &c. &c.

Third Enclosure in No. 170.

General Inginac to Captain Courtenay.

MONSIEUR LE CONSUL, *Port-au-Prince, le* 20 *Octobre*, 1840.

J'AI reçu la lettre que vous m'avez fait l'honneur de m'adresser, pour me transmettre la déclaration que votre Gouvernement vous a chargé de faire au Gouvernement de la République, au moment des ratifications de la Convention conclue entre la Grande Bretagne et Haïti, le 23 Décembre, 1839, sur ce que l'on entend par la juridiction d'un état sur les mers qui baignent ses côtes.

Le Gouvernement Haïtien, pénétré de l'obligation de se conformer toujours à ce qui est préscrit par le droit des gens, ne prétend pas étendre la juridiction territoriale de la République au-delà des limites reconnues entre toutes les nations; seulement il fait observer que le territoire de la République a des baies profondes de plusieurs lieues, et que d'ailleurs il ne se borne pas à l'île d'Haïti, mais qu'il comprend en outre les différentes îles adjacentes qui en dépendent, et sur lesquelles le droit de domaine de la République ne peut-être contesté.

Je saisis avec empressement, M. le Consul, cette occasion pour vous réitérer l'assurance de ma considération la plus distinguée.

Le Secrétaire Général près Son Excellence le Président d'Haïti,

(Signé) B. INGINAC.

G. W. C. Courtenay, Ecuyer,
&c. &c. &c.

(Translation.)

SIR, *Port-au-Prince, October* 20, 1840.

I HAVE received the Letter which you did me the honour to address to me, to convey to me the declaration which your Government has charged you to make to the Government of the Republic, at the time of (exchanging) the ratifications of the Convention concluded between Great Britain and Hayti, on the 23rd of December, 1839, as to what is understood by the jurisdiction of a state over the seas which bathe its coasts.

The Haytian Government, feeling the obligation of always conforming to that which is prescribed by the law of nations, does not make any pretension to extend the territorial jurisdiction of the Republic beyond the limits acknowledged among all nations. It only observes that in the territory of the Republic there are bays several leagues in depth, and that the territory does not consist merely of the Island of Hayti, but comprehends also the different islands dependent thereupon, the dominion of the Republic over which cannot be contested.

I take, &c.

(Signed) B. INGINAC,

Secretary-General to His Excellency the President of Hayti,

G. W. C. Courtenay, Esq.
&c. &c. &c.

No. 171.

Mr. Thompson to Viscount Palmerston.

Cape Haïtien, March 31, 1841.
(*Received May* 6.)

MY LORD,

I HAVE the honour to acknowlege the receipt of your Lordship's Despatch of the 13th of August last, with a copy of two series of Papers relating to the Slave Trade.

I have, &c.
(Signed) HARRISON JAS. THOMPSON,
Her Majesty's Vice-Consul.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

No. 172.

Mr. Thompson to Viscount Palmerston.

Port-au-Prince, April 15, 1841.
(*Received June* 1.)

MY LORD,

I HAVE the honour to report to your Lordship that the Treaty of Accession, on the part of the Government of Hayti, with France to the two Conventions existing between Her Majesty's Government and France, for the Suppression of the Slave Trade (a copy of which Treaty was transmitted to your Lordship in Captain Courtenay's Despatch of the 14th of November last), has been ratified by the Government of France, and was presented to His Excellency the President of Hayti, by Colonel Levasseur, on the 5th instant, when the Ratifications were exchanged.

I have, &c.,
(Signed) HARRISON JAS. THOMPSON,
Her Majesty's Vice-Consul.

The Right Hon. Viscount Palmerston, G.C.B.,
&c. &c. &c.

No. 173.

Mr. Thompson to Viscount Palmerston.

Port-au-Prince, May 31, 1841.
(*Received Jnly* 7.)

MY LORD,

I HAVE the honour to acknowledge the receipt of your Lordship's Despatch of the 15th of April last, with a copy of a Treaty concluded at Buenos Ayres, on the 24th of May, 1839, between Her Majesty and the Argentine Confederation, for the Abolition of the Slave Trade.

I have, &c.
(Signed) HARRISON JAS. THOMPSON,
Acting Consul.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

No. 174.

Mr. Thompson to Viscount Palmerston.

Port-au-Prince, June 30, 1841.
(*Received August* 4.)

MY LORD,

I HAVE the honour to acknowledge the receipt of your Lordship's Despatch of the 22nd of April last, with twelve copies of a Convention for the suppression of the Slave Trade, concluded at Port-au-Prince on the 23rd of December, 1839.

I have, &c.
(Signed) HARRISON JAS. THOMPSON.
Acting Consul.

The Right Hon. Viscount Palmerston, G.C.B.,
&c. &c. &c.

No. 175.

The Earl of Aberdeen to Her Majesty's Consul.

Foreign Office, October 30, 1841.

Circular sending Papers presented to Parliament.

(See No. 9.)

No. 176.

The Earl of Aberdeen to Her Majesty's Consul.

Foreign Office, December 27, 1841.

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Foreign Office, April 15, 1841.

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No. 179.

Mr. O'Leary to Viscount Palmerston.

British Consulate, Caracas, March 19, 1841.

MY LORD, (*Received May* 6.)

I HAVE the honour to acknowledge the receipt of your Lordship's Despatch of the 13th August ultimo, transmitting to Sir Robert Ker Porter a copy of two series of papers relating to the Slave Trade, which were presented to the two Houses of Parliament during the Session of 1840.

I have, &c.

(Signed) DANIEL F. O'LEARY.

The Right Hon. Viscount Palmerston, G.C.B.,
&c. &c. &c.

No. 180.

Viscount Palmerston to Her Majesty's Consul.

Foreign Office, May 8, 1841.

Circular instruction as to holding slave property.

(See Class B, No. 196.)

No. 181.

Viscount Palmerston to Her Majesty's Consul.

Foreign Office, May 11, 1841.

Circular as to instructions to Venezuelan agents in slave-holding countries.

(See No. 3.)

No. 182.

Mr. O'Leary to Viscount Palmerston.

British Consulate, Caracas, June 9, 1841.

MY LORD, (*Received August* 4.)

I HAVE the honour to acknowledge the receipt of your Lordship's Despatches of the 15th and 22nd of April ultimo, transmitting to me copies of a Treaty concluded at Buenos Ayres on the 24th May, 1839, between Her Majesty and the Argentine Confederation for the abolition of the Slave Trade, and of a Convention concluded at Port-au-Prince on the 23rd December, 1839, by which the Republic of Hayti has acceded to the Conventions for the suppression of the Slave Trade, concluded between his late Majesty and the King of the French, on the 30th of November, 1831, and the 22nd of March, 1833.

I have, &c.

(Signed) DANIEL F. O'LEARY.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

No. 183.

Mr. O'Leary to Viscount Palmerston.

British Consulate, Caracas, June 25, 1841.

MY LORD, (*Received August* 16.)

I HAVE the honour to acknowledge the receipt of your Lordship's Despatch of the 8th of May last, transmitting to me a copy of a Memorial from the General Anti-Slavery Convention, and acquainting me that Her Majesty's Government concurs in the sentiments expressed in that Memorial, and especially in the opinion that it would be unfitting that any officer, holding an appointment under the British crown, should, either directly or indirectly, hold or be interested in slave property; and further desiring me to forward to the British Vice-Consuls at Puerto Cabello and Maracaibo copies of the Memorial, with suitable instructions.

I have the honour to inform your Lordship that I lost no time in complying with these instructions.

I have, &c.

(Signed) DANIEL F. O'LEARY.

The Right Hon. Viscount Palmerston, G.C.B.,
&c. &c. &c.

No. 184.

Mr. O'Leary to Viscount Palmerston.

British Consulate, Caracas, June 26, 1841.

MY LORD, (*Received August* 16.)

I HAVE the honour to acknowledge the receipt of your Lordship's Despatch of the 11th of May last, instructing me to invite the Venezuelan Government to address to its diplomatic and consular agents in slave-holding countries instructions similar to those contained in the circular letter addressed by your Lordship to all British functionaries in slave-holding countries, a copy of which accompanied your Lordship's Despatch.

On the 24th instant I wrote on the subject to the Venezuelan Minister for Foreign Affairs.

Ihave, &c.

(Signed) DANIEL F. O'LEARY.

The Right Hon. Viscount Palmerston, G. C.B.
&c. &c. &c.

No. 185.

Mr. O'Leary to Viscount Palmerston.

British Conslate, Caracas, July 19, 1841.
(*Received September* 2.)

My Lord,

In my Despatch of the 25th ultimo I stated, that, in pursuance of your Lordship's instructions, I wrote to the Venezuelan Foreign Minister, inviting the Venezuelan Government to address to its Diplomatic and Consular Agents in slave-holding countries instructions similar to those contained in your Lordship's circular letter to all British functionaries in slave-holding countries; and I herewith transmit to your Lordship copies of my note to the Venezuelan Minister, and the reply of his Excellency thereto.

I have, &c.
(Signed) DANIEL F. O'LEARY.

The Right Hon. Viscount Palmerston, G.C.B.,
&c. &c. &c.

First Enclosure in No. 185.

Mr. O'Leary to Don F. Aranda.

Sir,

British Consulate, Caracas, June 25, 1841.

Her Britannic Majesty's Government having received information by which it would appear that persons appointed by European Governments to reside as Ministers or Consuls or Agents in slave-holding countries are sometimes in the habit of hiring and maintaining slaves, and of engaging in undertakings in which slave property is concerned; and as by such practices the functionaries in question give an indirect sanction to slavery, and appear to countenance a demand for slaves, Her Majesty's Government has addressed to all British functionaries in slave-holding countries the circular letter of which I have the honour to enclose to your Excellency a copy.

Her Majesty's Government, thinking it very important that the opinion of the Venezuelan Government should be expressed upon this subject in such a manner as to afford an additional discouragement to the Slave Trade, and certain that much good would be effected in this respect if the Venezuelan Government would address to its agents in slave-holding countries instructions similar to those contained in the enclosed circular, Viscount Palmerston has instructed me to invite your Excellency to submit the proposal to the Venezuelan Government.

Judging from the liberal and philanthropic principles which distinguish the policy of the Venezuelan Government, I am persuaded that it will afford another example thereof, by readily acceding to the invitation of Her Majesty's Government, and thereby contributing to the extinction of slavery.

I am, &c.
(Signed) DANIEL F. O'LEARY.

His Excellency Don Francisco Aranda,
&c. &c. &c.

(Translation.)

Second Enclosure in No. 185.

Don F. Aranda to Mr. O'Leary.

Sir,

Foreign Office, Caracas, July 14, 1841.

Having submitted to the consideration of Government your note of the 24th of June last, with the copy which accompanied it of the circular letter addressed by Her Britannic Majesty's Government to its functionaries in countries where slavery is permitted, I am directed to reply to the proposal contained in your note, that this Government address to its agents in countries where slavery is permitted instructions similar to those addressed by Her Majesty's Government, that the Government of the Republic will call to the re-

collection of its agents and functionaries in places where there are slaves what the laws have disposed for the attainment of the extinction of slavery, and will likewise remind them that they are to act in the manner most suitable not to encourage the Slave Trade.

I am, &c.
(Signed) FRANCISCO ARANDA.

Daniel F. O'Leary, Esq.,
&c. &c. &c.

No. 186.

The Earl of Aberdeen to Her Majesty's Consul.

Foreign Office, October 30, 1841.

Circular sending Papers presented to Parliament.

(See No. 9.)

No. 187.

The Earl of Aberdeen to M. Fortique.

Foreign Office, November 12, 1841.

Circular sending Papers presented to Parliament.

(See No. 10.)

No. 188.

The Earl of Aberdeen to Her Majesty's Consul.

Foreign Office, December 27, 1841.

Circular for all Laws on Slave Trade.

(See No. 12.)

LONDON: Printed by WILLIAM CLOWES and SONS, Stamford Street,
For Her Majesty's Stationery Office.

Class D.

CORRESPONDENCE

WITH

FOREIGN POWERS

RELATIVE TO

THE SLAVE TRADE.

From January 1 to December 31, 1841, inclusive.

Presented to both Houses of Parliament by Command of Her Majesty,
1842.

LONDON:
PRINTED BY WILLIAM CLOWES AND SONS, STAMFORD STREET,
FOR HER MAJESTY'S STATIONERY OFFICE.

1842.

Class D.—1842.

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CORRESPONDENCE

WITH

FOREIGN POWERS,

NOT PARTIES TO CONVENTIONS.

BELGIUM.

No. 1.

Viscount Palmerston to Sir G. H. Seymour.

SIR, *Foreign Office, April* 15, 1841.

I HEREWITH transmit to you, for your information, two copies of a Treaty concluded at Buenos Ayres, on the 24th of May, 1839, between Her Majesty and the Argentine Confederation, for the Abolition of the Slave Trade.

The ratifications of this Treaty were exchanged at Buenos Ayres on the 16th of May, 1840.

I am, &c.
(Signed) PALMERSTON.

Sir G. Hamilton Seymour, G.C.H.
&c. &c. &c.

No. 2.

Viscount Palmerston to Sir G. H. Seymour.

SIR, *Foreign Office, April* 22, 1841.

I HEREWITH transmit to you, for your information, two copies of a Convention concluded at Port au Prince on the 23rd of December, 1839, by which the Republic of Hayti has acceded to the Conventions for the Suppression of the Slave Trade, concluded between His late Majesty and the King of the French, on the 30th of November, 1831, and the 22nd of March, 1833.

The ratifications of this Convention were exchanged at Port au Prince on the 20th of October, 1840.

I am, &c.
(Signed) PALMERSTON.

Sir G. Hamilton Seymour, G.C.H.
&c. &c. &c.

No. 3.

Sir G. H. Seymour to Viscount Palmerston.

Brussels, April 18, 1841.
(*Received April* 22.)

My Lord,

I have the honour to acknowledge the receipt of your Lordship's Despatch of the 15th instant, transmitting to me two copies of a Treaty concluded at Buenos Ayres on the 24th of May, 1839, between Her Majesty and the Argentine Confederation for the Abolition of the Slave Trade.

I have, &c.
(Signed) G. H. SEYMOUR.

The Right Hon. Viscount Palmerston, G.C.B.,
&c. &c. &c.

No. 4.

Sir G. H. Seymour to Viscount Palmerston.

Brussels, April 26, 1841.
My Lord, (*Received April* 29.)

I have had the honour to receive your Lordship's Despatch of the 22nd of April, transmitting to me two copies of a Convention concluded at Port au Prince on the 23rd of December, 1839, by which the Republic of Hayti has acceded to the Conventions for the Suppression of the Slave Trade, concluded between His late Majesty and the King of the French on the 30th of November, 1831, and the 22nd of March, 1833.

I have, &c.
(Signed) G. H. SEYMOUR.

The Right. Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

No. 5.

Viscount Palmerston to Sir G. H. Seymour.

Sir, *Foreign Office, May* 11, 1841.

It would appear from information which has reached Her Majesty's Government, that persons appointed by European Governments to reside as Ministers, or Consuls, or Agents, in slave-holding countries, are sometimes in the habit of hiring and maintaining slaves, and of engaging in undertakings in which slave-property is concerned.

As by such practices the functionaries in question give an indirect sanction to slavery, and appear to countenance measures which tend to create a demand for slaves, Her Majesty's Government has addressed to all British functionaries in slave-holding countries the circular letter of which I enclose a copy; and as Her Majesty's Government think it very important that the opinion of the Belgian Government should be expressed upon this subject in such a manner as to afford an additional discouragement to the Slave Trade, Her Majesty's Government think that much good would be effected in this respect, if the Belgian Government would address to its Agents in slave-holding countries instructions similar to those contained in the enclosed circular; and I have to instruct you to address to the Belgian Government a note inviting them to do so.

I am, &c.
(Signed) PALMERSTON.

Sir G. Hamilton Seymour, G,C.H.
&c. &c. &c.

Enclosure in No. 5.

Circular to British Functionaries.

Foreign Office, May 8, 1841.

(See No. 43.)

No. 6.

Sir G. H. Seymour to Viscount Palmerston.

Brussels, May 21, 1841.

My Lord, (*Received May* 24.)

I have the honour to acknowledge the receipt of your Lordship's Despatch of the 11th instant, and to transmit a copy of the note which, in obedience to your Lordship's orders, I have addressed to Count Menlenaere, requesting that instructions may be sent to the agents of the Belgian Government in slave-holding countries directing them to refrain from giving any encouragement to slavery by hiring and maintaining slaves, and engaging in undertakings in which slave property is concerned.

I have, &c.

(Signed) G. H. S E

The Right Hon. Viscount Palmerston, G.C.B.,
&c. &c. &c.

Enclosure in No. 6.

Sir G. H. Seymour to Count Menlenaere.

Brussels, May 19, 1841.

The Undersigned, &c., has the honour to acquaint His Excellency the Minister for Foreign Affairs of His Belgian Majesty that, from information which has reached Her Majesty's Government, it appears that some indirect countenance has been given to slavery in slave-holding countries by the practice of the public agents of some European countries of hiring and maintaining slaves, and engaging in undertakings in slave property is concerned.

In consequence of this practice, and of the evil results to which it has given rise, Her Majesty's Government have addressed to all British functionaries in slave-holding countries the circular letter of which the Undersigned has the honour of enclosing a copy; and he has it in command at the same time to represent to His Excellency the importance which is attached by Her Majesty's Government to the co-operation in the cause of humanity of a Government so enlightened as that of Belgium, and the desire felt that instructions similar to those herewith enclosed should be sent by the Belgian Goverment to its agents in slave-holding countries.

The Undersigned, in respectfully pressing upon the attention of the Minister of Foreign Affairs an object which is justly considered by Her Majesty's Government to be of great importance, avails himself of this opportunity, &c.

(Signed) G. H. SEYMOUR.

His Excellency Count Menlenaere,
&c. &c. &c.

No. 7.

Sir G. H. Seymour to Viscount Palmerston.

Brussels, June 1, 1841.

My Lord, (*Received June* 3.)

The Belgian Minister for Foreign Affairs has returned the answer, of which I have the honour of enclosing a copy, to the note which, by your Lordship's directions, I addressed to him on the 19th ultimo.

I have refrained from acknowleding the receipt of the letter, in which Count Menlenaere expresses his entire acquiescence in the measure suggested by your Lordship for further discountenancing the Slave Trade, from feeling that I should do so with infinitely more effect if I may be permitted to state that the reply of the Belgian Minister has given satisfaction to Her Majesty's Government.

I have, &c.
(Signed) G. H. SEYMOUR.

The Right Hon. Viscount Palmerston, G.C.B.,
&c. &c. &c.

Enclosure in No. 7.

Count Menlenaere to Sir G. H. Seymour.

MONSIEUR LE CHEVALIER, *Bruxelles, le* 28 *Mai*, 1841.

J'AI reçu avec un vif intérêt la note du 19 de ce mois, par laquelle vous avez bien voulu m'envoyer copie d'une circulaire adressée par le Gouvernement de Sa Majesté Britannique à tous les fonctionnaires accredités dans les pays non-abolitionistes de la Traite des Nègres.

Les sentimens d'humanité qui animent le Gouvernement du Roi vous sont trop connus, Monsieur le Chevalier, pour que j'ai besoin de vous exprimer qu'il s'associe entièrement aux principes de justice et équité que la circulaire precitée a en vue de faire prevaloir, et qu'il accueillera toujours avec empressement les mesures que le Gouvernement de Sa Majesté Britannique croira devoir prendre pour atteindre un but aussi louable.

Je saisis cette occasion, &c.
(Signé) COMTE DE MENLENAERE.

A Monsieur le Chevalier G. H. Seymour,
&c. &c. &c.

(Translation.)

SIR, *Brussels, May* 28, 1841.

I HAVE received with lively interest the note of the 19th instant, in which you had the goodness to send to me a copy of a circular addressed by the Government of Her Britannic Majesty to all the functionaries accredited in countries where the Slave Trade is not abolished.

The sentiments of humanity which animate the Government of the King are so well known to you, Sir, that I need not express to you that it concurs entirely in the principles of justice and equity which the circular above mentioned has it in view to make prevalent, and that it will always receive with readiness the measures which the Government of Her Britannic Majesty think proper to take for ataining so laudable an end.

I avail, &c.
(Signed) COUNT DE MENLENAERE.

Sir G. H. Seymour,
&c. &c. &c.

No. 8.

Viscount Palmerston to Sir G. H. Seymour.

SIR, *Foreign Office, June* 23, 1841.

I HAVE received your Despatch of the 1st instant, enclosing a copy of the Reply of the Belgian Minister to the note which, under my directions, you had addressed to him, transmitting a copy of my Circular of Instruction, of the 8th of May last, to all Her Majesty's functionaries resident in countries where Slavery is not abolished.

I have to desire that you will express to the Count de Menlenaere the thanks of Her Majesty's Government for that reply.

I am, &c.
(Signed) PALMERSTON.

Sir G. Hamilton Seymour, G.C.H.
&c. &c. &c.

No. 9.

Sir G. H. Seymour to Viscount Palmerston.

Brussels, June 29, 1841.
(*Received July* 1,)

My Lord,

I have had the honour to receive your Lordship's Despatch of the 23rd instant, and, in obedience to your instructions, have expressed to Count de Menlenaere the thanks of Her Majesty's Government for his ready acquiescence in the measures to be taken for the discouragement of Slavery.

I have, &c.
(Signed) G. H. SEYMOUR.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

No. 10.

The Earl of Aberdeen to Sir G. H. Seymour.

Sir,

Foreign Office, October 30, 1841.

I herewith transmit for your information a copy of a series of Papers relating to the Slave Trade, which have been presented to the two Houses of Parliament, during the present Session, by Her Majesty's command.

I am, &c.
(Signed) ABERDEEN.

Sir G. H. Seymour, G.C.H.
&c. &c. &c.

No. 11.

The Earl of Aberdeen to M. Van de Weyer.

Foreign Office, November 12, 1841.

The Earl of Aberdeen has the honour to transmit herewith to M. Van de Weyer, for his information, a copy of a series of Papers relating to the Slave Trade, which were presented to the two Houses of Parliament during the last Session, by Her Majesty's command.

No. 12.

M. Van de Weyer to the Earl of Aberdeen,

Londres, le 15 *Novembre,* 1841.
(*Received December* 1.)

Monsieur Van de Weyer a l'honneur d'accuser réception à Lord Aberdeen de la série de Documents relatifs à la Traite des Nègres que sa Seigneurie a bien voulu lui adresser sous la date du 12 de ce mois. Monsieur Van

de Weyer prie le Comte Aberdeen de vouloir bien en agréer ses remercîmens, et saisit cette occasion pour lui renouveler les assurances de la plus haute considération.

(Translation.)

M. VAN DE WEYER has the honour to acknowledge to Lord Aberdeen the receipt of the series of Papers relating to the Slave Trade which his Lordship had the goodness to address to him, under date of the 12th of this month. M. Van de Weyer begs the Earl of Aberdeen to accept his thanks, and takes this occasion, &c.

No. 13.

Sir G. H. Seymour to the Earl of Aberdeen.

Brussels, December 24, 1841.

MY LORD, (*Received December* 26.)

I HAVE the honour to acknowledge the receipt of your Lordship's Despatch of the 30th of October, transmitting to me a copy of a series of Papers relating to the Slave Trade, which have been presented to the two Houses of Parliament, during the last Session, by Her Majesty's command.

I have, &c.
(Signed) G. H. SEYMOUR.

The Right Hon. the Earl of Aberdeen, K.T.
&c. &c. &c.

No. 14.

The Earl of Aberdeen to Sir G. H. Seymour.

SIR, *Foreign Office, December* 27, 1841.

IT being desirable that a complete collection should be obtained of all the laws and administrative acts, both general and local, which have emanated from the legislatures and sovereign authorities of foreign states, both previously and subsequently to the contraction of treaty engagements, for the purpose of regulating, restraining, or preventing the traffic in slaves, I have to desire that you will address an official application to the Spanish Government, requesting that an authentic copy may be supplied to you of all the laws and acts of this description, whether of a temporary or permanent character, which may at any time have been issued by that Government, or by its municipal and colonial authorities. I have at the same time to desire that you will use your best endeavours to obtain, through the medium of Her Majesty's Consuls, and through any other channels, authentic copies of any further documents which may appear to be necessary to complete this collection, and that you will forward the whole of these papers to me without delay.

You will accompany the papers with accurate translations; and you will reimburse yourself for any expenses that may be attendant upon the execution of this instruction, by charging the same in your account of the extraordinary disbursements of your mission.

I am, &c.
Sir G. H. Seymour, G.C.H., (Signed) ABERDEEN.
&c. &c. &c.

HANOVER.

No. 15.

Viscount Palmerston to the Hon. J. D. Bligh.

Foreign Office, April 15, 1841.

Circular sending Treaty with the Argentine Confederation.

(See No. 1.)

No. 16.

Viscount Palmerston to the Hon. J. D. Bligh.

Foreign Office, April 22, 1841.

Circular sending Convention with Hayti.

(See No. 2.)

No. 17.

Viscount Palmerston to the Hon. J. D. Bligh.

Foreign Office, May 11, 1841.

Circular as to proposed Instructions to Hanoverian Functionaries in Slave-holding Countries.

(See No. 5.)

No. 18.

The Hon. J. D. Bligh to Viscount Palmerston.

Hanover, May 13, 1841.

MY LORD, (*Received May* 18.)

I HAVE the honour to acknowledge the receipt of your Lordship's Despatch of the 15th April, together with its enclosures.

I have, &c.

(Signed) J. D. BLIGH.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

No. 19.

The Hon. J. D. Bligh to Viscount Palmerston.

Hanover, May 24, 1841.

MY LORD, (*Received May* 31.)

I HAVE the honour to acknowledge the receipt of your Lordship's Despatches of the 22nd April and 11th instant, and I enclose a copy of a note

which, in accordance with your Lordship's instructions in the latter Despatch, I have addressed to Baron de Schele on the subject of the employment of slaves by European functionaries.

I have, &c.
(Signed) J. D. BLIGH.

The Right Hon. Viscount Palmerston, G.C.B.,
&c. &c. &c.

Enclosure in No. 19.

Mr. Bligh to Baron de Schele.

Hanover, May 19, 1841.

THE Undersigned, Her Britannic Majesty's Envoy Extraordinary and Minister Plenipotentiary, has the honour to inform His Excellency Baron de Schele, Minister of Foreign Affairs, and of the Cabinet, that Her Majesty's Government, having learnt that persons appointed by European Governments to reside in slave-holding countries are sometimes in the habit of hiring and maintaining slaves, and of engaging in undertakings in which slave-property is concerned, and feeling that by such practices the functionaries in question give an indirect sanction to slavery, and appear to countenance measures which tend to create a demand for slaves, has addressed to all British functionaries in slave-holding countries, a circular letter, of which the Undersigned has the honour to enclose a copy.

As Her Majesty's Government think it very important that the opinion of the Hanoverian Government should be expressed upon this subject in such a manner as to afford an additional discouragement to the Slave Trade, the Undersigned has to request the Hanoverian Government to address to its agents in slave-holding countries instructions similar to those contained in the enclosed circular, and he makes the request in the name of Her Majesty's Government in the full assurance that Baron de Schele, seeing the good which may be effected for humanity by the measure newly suggested, will cordially promote its adoption by the Hanoverian Government.

The Undersigned has the honour, &c.
(Signed) J. D. BLIGH.

His Excellency Baron de Schele,
&c. &c. &c.

No. 20.

Mr. Bligh to Viscount Palmerston.

MY LORD, *Hanover, July* 8, 1841.

I HAVE the honour to forward to your Lordship a copy of a note which I have received from Baron Schele, in answer to one which, in accordance with your Lordship's instructions, conveyed in the Despatch of the 11th May, I addressed to him on the subject of the employment of slaves by Hanoverian functionaries.

I have, &c.
(Signed) J. D. BLIGH.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

Enclosure in No. 20.

Baron de Schele to Mr Bligh.

LE Soussigné, Ministre d'Etat, du Cabinet, et des Affaires Etrangères, a l'honneur de prévenir à Mr. Bligh, Envoyé Extraordinaire et Ministre Plénipotentiaire de Sa Majesté Britannique, en réponse à son office du 19 de ce mois,

que les agens Consulaires Hanoveriens, résidant à des lieux où la Traite des Noirs n'est pas abolie, seront avisés, par instruction circulaire, que la possession d'esclaves, ainsi que toute participation, directe ou indirecte, dans la Traite des Négres, serait regardée par le Gouvernement du Roi comme incompatible avec leur caractère public.

Le Soussigné saisit cette occasion, &c.

A Monsieur Bligh, (Signé) BARON DE SCHELE.
&c. &c. &c.

(Translation.)

THE Undersigned, Minister of State, of the Cabinet, and of Foreign Affairs, has the honour to acquaint Mr. Bligh, Envoy Extraordinary and Minister Plenipotentiary of Her Britannic Majesty, in reply to his official letter of the 19th inst., that all Hanoverian consular agents residing in places where the Slave Trade is not abolished will be advised, by a circular instruction, that the possession of slaves, as well as all participation, either direct or indirect, in the Slave Trade, will be regarded by the Government of the King as incompatible with their public character.

The Undersigned avails himself, &c.

J. D. Bligh, Esq. (Signed) BARON DE SCHELE.
&c. &c. &c.

No. 21.

Viscount Palmerston to Mr. Bligh.

SIR, *Foreign Office, July* 26, 1841.

I HAVE received your Despatch of the 8th instant, enclosing copy of a note from the Baron de Schele, stating that the Hanoverian Government are about to prohibit their agents in slave-holding countries from being directly or indirectly interested in slave property; and I have to desire that you will express to the Baron de Schele the cordial thanks of Her Majesty's Government for this communication.

I am, &c.

The Hon. J. D. Bligh, (Signed) PALMERSTON.
&c. &c. &c.

No. 22.

Mr. Bligh to Viscount Palmerston.

Hanover, July 31, 1841.

MY LORD, (*Received August* 9.)

I HAVE had the honour of receiving your Lordship's Despatch of the 26th instant, and I lost no time in conveying to Baron de Stralenheim, (who in the absence of Baron de Schele is fulfilling the functions of Minister for Foreign Affairs,) the thanks of Her Majesty's Government for the communication made to me by Baron de Schele, of the intention of the Hanoverian Government to prohibit their agents in slave-holding countries from being directly or indirectly interested in slave property.

I have, &c.

(Signed) J. D. BLIGH.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

No. 23.

The Earl of Aberdeen to Mr. Bligh.

Foreign Office, October 30, 1841.

Circular sending Papers presented to Parliament.

(See No. 10.)

No. 24.

The Earl of Aberdeen to Count Kilmansegge.

Foreign Office, November 12, 1841.

Circular sending Papers presented to Parliament.

(See No. 11.)

No. 25.

The Earl of Aberdeen to Mr. Bligh.

Circular asking for all Laws upon Slave Trade.

(See No. 14.)

SAXONY.

No. 26.

Viscount Palmerston to the Hon. F. Forbes.

Foreign Office, April 15, 1841.

Circular sending Treaty with the Argentine Confederation.

(See No. 1.)

No. 27.

Viscount Palmerston to the Hon. F. Forbes.

Foreign Office, April 22, 1841.

Circular sending Convention with Hayti.

(See No. 2.)

No. 28.

Viscount Palmerston to the Hon. F. Forbes.

Foreign Office, May 11, 1841.

Circular respecting proposed Instructions to Saxon Functionaries in Slave-holding Countries.

(See No. 5.)

No. 29.

The Hon. Francis Forbes to Viscount Palmerston.

Dresden, May 7, 1841.

(*Received May* 18.)

My Lord,

I had the honour of receiving on the 28th of last month, and the 3rd of this one, your Lordship's two Despatches of the 15th and 22nd of April, in the former of which were transmitted copies of a treaty concluded with the Argentine Confederation for the suppression of the Slave Trade, and in the second copies of a convention concluded at Port au Prince, by which the Haytian Republic accedes to those already concluded with France for the same object.

The unceasing and successful efforts of Her Majesty's Government to put an end to this infamous traffic must always be a source of the greatest pride to all Her subjects.

I have, &c.

(Signed) FRANCIS R. FORBES.

The Right Hon. Viscount Palmerston, G.C.B.,
&c. &c. &c.

No. 30.

The Hon. Francis Forbes to Viscount Palmerston.

Dresden, June 6, 1841.
(Received June 21.*)*

MY LORD,

I HAD the honour of receiving on the 22nd of May your Lordship's Despatch of the 11th ult., transmitting me a copy of a circular letter addressed by Her Majesty's Government to all British functionaries in slave-holding countries, and instructing me to address a note to the Saxon Government, requesting them to issue similar orders to their agents there.

I have the honour of enclosing to your Lordship a copy of the note which I have sent in to M. de Zeschan, (but to which I have as yet received no answer,) and of remaining with the highest respect, &c.

(Signed) FRANCIS R. FORBES.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

Enclosure in No. 30.

The Hon. Francis Forbes to M. de Zeschan.

Dresden, May 30, 1841.

THE Government of Her Britannic Majesty, having received information, that persons appointed by European Governments to reside as ministers, consuls, or agents in slave-holding countries, are in the habit of buying, hiring, and engaging slaves for their private profit and advantage, was doubly incensed at finding that their own agents had in many instances sanctioned this practice by their example; and has in consequence addressed a circular letter to all British functionaries in those countries, forbidding and reprobating in strong terms a proceeding which can only tend to encourage this infamous traffic, the extinction of which has been the great object of every British Ministry, of whatever party it might be.

But as the Government of Her Britannic Majesty is well aware that the Slave Trade must finally be put an end to by the joint efforts of all the Powers of Europe; and as it duly appreciates the importance and weight which the expression of the opinions of the Saxon Government on this subject must carry with it; the Undersigned, &c., has received instructions from Her Majesty's Secretary of State for Foreign Affairs to address himself to Monsieur de Zeschan, &c., and to request that His Excellency will have the goodness to state to the Saxon agents in slave-holding countries the concurrence of their own Government in the views of that of Great Britain, and to recommend them not to employ slaves in any way.

The well-known wish of the Saxon Government to promote religious and civil improvement by every judicious means induces the Undersigned to hope that it will feel the discouragement to the Slave Trade which must ensue from their co-operation in this instance with that of Her Britannic Majesty; and it will record hereafter, that Saxony has also assisted in putting an end to a traffic so repugnant to the best feelings of mankind.

(Signed) FRANCIS R. FORBES.

His Excellency Monsieur de Zeschan,
&c. &c. &c.

No. 31.

The Earl of Aberdeen to the Hon. F. Forbes.

Foreign Office, October 30, 1841.

Circular sending Papers presented to Parliament.

(See No. 10.)

No. 32.

The Earl of Aberdeen to Baron Gersdorf.

Foreign Office, November 12, 1841.

Circular sending Papers presented to Parliament.

(See No. 11.)

No. 33.

Baron Gersdorf to the Earl of Aberdeen.

3, *Chesterfield-street, December* 14, 1841.

(*Received December* 15.)

M. de Gersdorf a l'honneur de prier Son Excellence M. le Comte d'Aberdeen de vouloir bien agréer l'expression de ses remercîmens empressés pour l'envoir obligeant d'un exemplaire des Documens Parlementaires rélatifs à la Traite des Nègres, par lequel sa Seigneurie a eu la bonté d'accompagner son billet du 12 de ce mois.

(Translation.)

M. de Gersdorf has the honour to request His Excellency the Earl of Aberdeen t o accept the expression of his thanks for the obliging transmission of a Copy of the Parliamentary Papers relative to the Slave Trade, which accompanied his Lordship's note of the 12th instant.

No. 34.

The Earl of Aberdeen to the Hon. F. Forbes.

Foreign Office, December 27, 1841.

Circular asking for all Laws on Slave Trade.

(See No. 14.)

SWITZERLAND.

No. 35.

Viscount Palmerston to Mr. Morier.

Foreign Office, April 15, 1841.

Circular sending Treaty with the Argentine Confederation.

(See No. 1.)

No. 36.

Viscount Palmerston to Mr. Morier.

Foreign Office, April 22, 1841.

Circular sending Convention with Hayti.

(See No. 2.)

No. 37.

Viscount Palmerston to Mr. Morier.

Foreign Office, May 11, 1841.

Circular respecting proposed Instruction to Swiss Functionaries in Slave-holding countries.

(See No. 5.)

No. 38.

Mr. Morier to Viscount Palmerston.

Interlaken, May 31, 1841.

(*Received June* 17.)

My Lord,

In obedience to the instructions conveyed to me in your Lordship's Despatch of the 11th instant, I addressed, on the 25th instant, to the Federal Directory a note embodying its contents, and enclosing a copy of your Lordship's Instructions to British Functionaries in slave-holding countries, as well as of the Memorial addressed to your Lordship by the General Anti-Slavery Convention.

The President of the Diet, who has verbally assured me of his readiness personally to co-operate towards the object indicated in the instructions from your Lordship above referred to, informed me that a letter to the same effect as the memorial had been addressed by the same society to the Swiss Government, and received by the latter a few days before.

I have, &c.

(Signed) D. R. MORIER.

The Right Hon. Viscount Palmerston, G.C.B.,
&c. &c. &c.

No. 39.

Mr. Morier to Viscount Palmerston.

Geneva, August 23, 1841.

MY LORD, (*Received August* 30.)

IN reference to your Lordship's Instructions, dated the 11th of May, I have the honour to transmit herewith the Copy of the Answer returned by the Federal Directory to the Note which, as I informed your Lordship by my Despatch of the 31st of May, I addressed to that authority, in obedience to the same. Your Lordship will learn, from the enclosed document, that the Federal Directory have "engaged the Swiss consuls beyond seas to abstain from all intervention calculated to protect the Slave Trade, so contrary to the sentiments of humanity."

I have, &c.
(Signed) D. R. MORIER.

The Right Hon. Viscount Palmerston, G.C.B.,
&c. &c. &c.

Enclosure in No. 39.

The Federal Directory to Mr. Morier.

Berne, le 14 *Août,* 1841.

EN réponse à la communication que son Excellence M. la Ministre Plénipotentiaire de la Grande Bretagne près la Confédération Suisse leur a faite en date du 25 Mai de l'année courante, les Avoyer et Conseil d'Etat du canton de Berne, Directoire Fédéral, ont l'honneur d'informer M. Morier qu'ils ont engagé les Consuls de Commerce Suisses résidans dans les pays d'outre mer à s'abstenir de toute intervention propre à protéger la Traite des Noirs, aussi contraire aux sentimens d'humanité.

Ils saisissent cette occasion pour renouveler à son Excellence l'assurance de leur haute considération.

(Signé) Les Avoyer et Conseil d'Etat du Canton
A Son Excellence M. Morier, de Berne, Directoire Fédéral.
&c. &c. &c.

(Translation.)

Berne, August 14, 1841.

IN answer to the communication which his Excellency the Minister Plenipotentiary of Great Britain to the Swiss Confederation addressed to them under date of the 25th of May of the present year, the Magistrates and Council of State of the canton of Berne, the Federal Directory, have the honour to inform Mr. Morier that they have charged the Swiss Commercial Consuls residing in countries beyond the seas to abstain from all intervention calculated to protect the Slave Trade, as contrary to the sentiments of humanity.

They avail, &c.

(Signed) The Avoyer and Council of State of the
His Excellency Mr. Morier, Canton of Bern, Federal Directory.
&c. &c. &c.

No. 40.

Viscount Palmerston. to Mr. Morier.

SIR, *Foreign Office, August* 30, 1841.

I HAVE received your Despatch of the 23rd instant, and I have to desire that you will convey to the Federal Directory the thanks of Her

Majesty's Government for the orders that have been issued to Swiss Consuls "to abstain from all intervention calculated to protect the Slave Trade."

You will, however, point out that these orders do not exactly answer the request which, by my Despatch of the 11th of May, you were directed to make to the Federal Directory; and you will repeat that request; observing that Her Majesty's Government cannot doubt that the Government of a nation which, like the Swiss, has led the way in the paths of liberty, and has at all times and in all ages held out a noble example to all Europe by its devoted attachment to freedom, can hesitate to give its moral support in the most marked and emphatic manner to those powers who, like England, are endeavouring to put an end to the miseries caused by the Slave Trade.

I am, &c.

D. R. Morier, Esq. (Signed) PALMERSTON.
&c. &c.

No. 41.

Viscount Palmerston to Mr. Morier.

Foreign Office, October 30, 1841.

Circular sending Papers presented to Parliament.

(See No. 10.)

No. 42.

Viscount Palmerston to Mr. Morier.

Foreign Office, December 27, 1841.

Circular asking for all Laws on Slave Trade.

(See No. 14.)

ALBANIA. (*Consular.*)

No. 43.

Viscount Palmerston to Her Majesty's Consul.

SIR, *Foreign Office, May* 8, 1841.

I HEREWITH transmit to you a copy of a Memorial from the General Anti-Slavery Convention. I have to acquaint you that Her Majesty's Government concurs in the sentiments expressed in that Memorial, and especially in the opinion that it would be unfitting that any Officer, holding an appointment under the British Crown, should either directly hold or be interested in slave property.

I am, &c.

Her Majesty's Consul,
Janina.

(Signed) PALMERSTON.

Enclosure in No. 43.

GENERAL ANTI-SLAVERY CONVENTION, called by the Committee of the British and Foreign Anti-Slavery Society, held in London on the 12th of June, 1840, and continued, by adjournments, to the 23rd of the same month.

To the Right Honourable Viscount Palmerston, Secretary of State for Foreign Affairs.

The Memorial of the Undersigned, the Chairman, on behalf of the General Anti-Slavery Convention, held in London on the 20th of June, 1840—

Respectfully showeth,

THAT this Convention has learnt, with feelings of surprise and regret, that British functionaries in the Brazils and Cuba, and other slave-holding countries, hold slaves—that they purchase them in the public slave-market and elsewhere—work them in mines and on sugar plantations—employ them as domestic slaves, and sell them, or dispose of them, as necessity or caprice may dictate.

This Convention, under a strong impression of the utter injustice of slavery in all its forms, and of the evil it inflicts upon its miserable victims, and of the necessity of employing every means, moral, religious, and pacific, for its complete abolition, feels it to be no less than an imperative duty to submit to the Principal Secretary of State for Foreign Affairs, that—the British Parliament having declared it "just and expedient that all persons held in slavery in the colonies of Great Britain should be manumitted and set free, and that slavery should be utterly and for ever abolished and declared unlawful throughout the British possessions abroad,"—functionaries of the British Government holding, hiring, buying, or selling slaves in foreign countries, is not only an open violation of these just and equitable principles, but that it is an example which gives countenance to the perpetuation of slavery, and to the continuance of the clandestine importation of slaves, and that it does materially contribute to prevent the extinction of slavery in those countries, and throughout the world at large, —an object most dear to the members of this Convention, and for the consummation of which they are especially assembled.

This Convention, therefore, earnestly solicits the early attention of Viscount Palmerston to the subject, and that he will be pleased to issue a declaration that the holding or hiring of slaves, directly or indirectly, is incompatible with the functions of any individual officially engaged in the service of the British Government.

On behalf of the Convention,
(Signed) THOMAS CLARKSON, *President.*

No. 44.

Viscount Palmerston to Her Majesty's Consul.

SIR, *Foreign Office, July* 31, 1841.

I HEREWITH transmit to you a copy of a letter from the Greek minister at this Court, together with a translation of a law promulgated by the King of Greece on the 15th of March, 1841, prohibiting the trade in slaves, and assigning penalties for the offences committed in contravention of that law.

I also transmit to you a copy of a Despatch and of its enclosures from Her Majesty's minister in Greece, upon the same subject; and I have to desire that, in conformity with the desire expressed by the Greek Government, as stated in these papers, you will give your best assistance towards carrying that law into effect.

I am, &c.
(Signed) PALMERSTON.

W. P. Mark, Esq.,
&c. &c. &c.

Enclosures in No. 44.

1. *M. Tricoupi to Viscount Palmerston, June* 7-19, 1841.
2. *Sir E. Lyons to Viscount Palmerston, April* 22, 1841.

(See Nos. 68 and 65.)

ALGIERS. (*Consular.*)

No. 45.

Viscount Palmerston to British Consuls and Vice-Consuls.

Foreign Office, May 8, 1841.

Circular against holding or being interested in slave property.

(See No. 43.)

No. 46.

Viscount Palmerston to British Consuls and Vice-Consuls.

Foreign Office, July 31.

Circular instruction as to the execution of the Greek Law on Slave Trade.

(See No. 44.)

No. 47.

Mr. Bell to the Earl of Aberdeen.

British Vice-Consulate, Oran, October 13, 1841.

MY LORD, (*Received November* 11.)

I HAVE the honour to acknowledge the receipt of Viscount Palmerston's Despatch of the 31st of July, with its Enclosures, respecting a law promulgated by the King of Greece on the 13th of March, 1841, prohibiting the trade in Slaves, and assigning penalties for the offences committed in contravention of that law.

I shall, my Lord, in pursuance of the instructions of your Lordship's predecessor, and in conformity with the desire expressed by the Greek Government, as stated in these Enclosures, give my best assistance towards carrying that law into effect.

I have, &c.

(Signed) JOHN BELL, *Vice-Consul.*

The Right Hon. the Earl of Aberdeen, K.T.
&c. &c. &c.

EGYPT. (*Consular.*)

No. 48.

Viscount Palmerston to British Consuls and Vice-Consuls.

Foreign Office, May 8, 1841.

Circular on their holding or being interested in Slave property.

(See No. 43.)

No. 49.

Mr. Chasseaud to Viscount Palmerston.

Her Britannic Majesty's Consulate,
Alexandria, June 18, 1841.

MY LORD, (*Received July* 7.)

I HAVE the honour to acknowledge the receipt of your Lordship's Despatch of the 8th ultimo, transmitting copies of a Memorial from the General Anti-Slavery Convention for this office, as well as for forwarding to Her Majesty's Vice-Consuls at Cairo and Damietta, with suitable instructions, which shall be duly attended to,

I have, &c.

(Signed) G. CHASSEAUD, *Vice-Consul.*

The Right Hon. Viscount Palmerston, G.C.B.,
&c. &c. &c.

No. 50.

Viscount Palmerston to Her Majesty's Consuls and Vice-Consuls.

Foreign Office, July 31, 1841.

Circular instruction as to the execution of the Greek law on Slave Trade.

(See No. 44.)

No. 51.

Mr. Stoddart to Mr. Backhouse.

Her Britannic Majesty's Consulate,
Alexandria, September 18, 1841.

SIR, (*Received October* 21.)

I HAVE the honour to acknowledge the receipt of a Despatch of the 31st July, 1841, addressed to my predecessor, Mr. Larking, and accompanied by the copy of a law promulgated by His Majesty the King of Greece against the trade in Slaves.

I shall carefully conform to the instructions of Viscount Palmerston, directing the British Consul at Alexandria to give his best assistance towards carrying the above law into effect.

I shall also transmit to the Consulate of Cairo, and to the Vice-Consulate of Damietta, the sets of papers forwarded hither for that purpose.

I have, &c.
(Signed) JOHN S. STODDART.

John Backhouse, Esq.
&c. &c. &c.

No. 52.

Viscount Palmerston to Colonel Barnett.

Foreign Office, October 30, 1841.

Circular sending printed papers.

(See No. 10.)

No. 53.

Viscount Palmerston to Colonel Barnett.

Foreign Office, December 27, 1841.

Circular asking for all laws on Slave Trade.

(See No. 14.)

GREECE.

No. 54.

Sir E. Lyons to Viscount Palmerston.

Athens, January 22, 1841.

MY LORD, (*Received February* 11.)

I HAVE the honour to enclose to your Lordship a copy of a note, which, in obedience to the direction contained in your Lordship's Despatch of the 22nd ultimo, I yesterday addressed to Monsieur Paicos respecting the Slave Trade carried on under the Greek flag.

Soon after daylight this morning King Otho did me the honour of sending to me to say, that a Projet de Loi for the suppression of the traffic should be immediately sent to the Council of State; and I have just had this confirmed in a letter from Mons. Paicos, of which I have the honour to transmit a copy to your Lordship herewith.

The Greek Government received information a few days ago of a Greek vessel having been forced by stress of weather to take shelter in one of the ports of Cephalonia, where a French passenger informed the authorities that there were fourteen black slaves confined in the hold.

I have, &c.
(Signed) EDMUND LYONS.

The Right Hon. Viscount Palmerston, G.C.B.,
&c. &c. &c.

First Enclosure in No. 54.

Sir E. Lyons to Monsieur Paicos.

MONSIEUR LE SECRÉTAIRE D'ETAT, *Athens, January* 21, 1841.

HAVING communicated to Her Britannic Majesty's Government the letter which I thought it my duty to address to you on the 9th of November last, respecting the Slave Trade which is carried on in Greek vessels, I have now the honour to inform you that Her Majesty's Government have instructed me to express to his Hellenic Majesty's Government the deep concern with which they have learned that Greek vessels continue to be employed in this disgraceful and iniquitous practice; and to add, that it might have been hoped that, as the Greek nation have so recently been restored to freedom after a long period of subjection, there would not have been found in that nation any man so insensible to the value of liberty as to become instrumental in reducing his fellow-creatures to slavery; and that Her Majesty's Government cannot believe that a Sovereign, born and educated, as King Otho has been, in the enlightened kingdom of Bavaria, should knowingly permit such criminal practices to be carried on by any of his subjects. Her Majesty's Government, therefore, most earnestly entreat the attention of His Hellenic Majesty to this matter, not doubting he will feel it essential for the honour of his crown to put an immediate stop to these nefarious proceedings.

I have, &c.
(Signed) EDMUND LYONS.

Monsieur Paicos,
&c. &c. &c.

Second Enclosure in No. 54.

M. Païcos to Sir E. Lyons.

MONSIEUR LE CHEVALIER, *Athènes, ce* 9 (21) *Janvier*, 1841.

JE m'empresse de répondre à votre communication en date de ce jour, que je crois superflu de vous assurer que le Souverain de la Grèce, son Gouvernement, ainsi que la nation Grecque, sont remplis d'indignation contre ceux qui ont pu oublier les devoirs de l'humanité et de la civilisation jusqu'au point de se livrer au trafic honteux des nègres. Je crois seulement de mon devoir de vous informer que le trafic des Esclaves est depuis long tems défendu en Grèce, et que le Gouvernement du Roi vient d'achever, il y a quelques jours, un projet de loi qui donne une plus grande étendue aux dispositions existantes qui interdisent ce commerce, en fixant des peines analogues. J'ai de plus l'honneur de vous observer que ce projet de loi se trouvait déjà preparé, pour être soumis à la délibération des conseils compétens, au moment de la réception de votre communication de ce jour.

Veuillez agreér, &c.
(Signé) A. PAICOS.

Monsieur le Chevalier Edmund Lyons,
&c. &c. &c.

(Translation.)

MONSIEUR LE CHEVALIER, *Athens, January* 9 (21), 1841.

I HASTEN to reply to your communication of this day's date, that I think it superfluous to assure you that the Sovereign of Greece, his Government, and the Greek nation, are filled with indignation against those who have been capable of forgetting the duties of humanity and civilization so far as to engage in the shameful traffic in Slaves. I think it only my duty to inform you that the Slave Trade has been for a long time forbidden in Greece, and that His Majesty's Government has some days since completed the draft of a law, giving a greater extension to the existing enactments which interdict this commerce by affixing proper penalties.

I have also to observe to you that the draft of a law was already prepared for submission to the deliberation of the competent councils at the time when your communication of this day was received.

Accept, &c.
(Signed) A. PAICOS.

No. 55.

Sir E. Lyons to Viscount Palmerston.

Athens, January 28, 1841.
MY LORD, (*Received February* 24.)

I HAVE the honour, with reference to my Despatch of the 22nd instant, to enclose herewith a copy of a letter from Sir Howard Douglas, informing me of the detention of a Greek vessel, with slaves on board, by the authorities of the island of Cephalonia.

I have, &c.
(Signed) EDMUND LYONS.

The Right Hon. Viscount Palmerston, G.C.B.,
&c. &c. &c.

Enclosure in No. 55.

Sir Howard Douglas to Sir E. Lyons.

SIR, *Corfu, January* 20, 1841.

I HAVE the honour to acquaint you, that a brig under Greek colours, having put into the harbour of Cephalonia with African slaves on board, has been detained there by the proper authorities till the case shall be properly investigated. All the details shall, as soon as I receive them, be communicated to you for the information of His Hellenic Majesty's Government, who, I have no doubt, will grieve to see the national flag prostituted to such a purpose.

I have, &c.
(Signed) HOWARD DOUGLAS.

Sir E. Lyons, Bart.,
&c. &c. &c.

No. 56.

Viscount Palmerston to Sir E. Lyons.

SIR, *Foreign Office, March* 19, 1841.

I HEREWITH transmit to you a copy of a letter and of its enclosures from the Colonial Department, containing an account of the circumstances under which the Greek brig "*Miltiades*," with 14 slaves on board, was detained at the port of Argostolo in the island of Cephalonia.

From these papers it would appear that you have had some correspondence with the Greek Government upon this subject. But I have to desire, that you will address to the Greek Government a further note, in which you will communicate to them the accompanying papers. You will recapitulate in that note the principal facts of the case, and you will express the confident hope of Her Majesty's Government that the Government of Greece will, for its own honour, punish the guilty parties in this transaction, and take the most vigorous and effectual measures for preserving the Greek flag from the disgrace of being thus made subservient to Slave Trade.

I am, &c.
(Signed) PALMERSTON.

First Enclosure in No. 56.

Mr. Stephen to Mr. Backhouse.

SIR, *Downing-street, February* 19, 1841.

I AM directed by Lord John Russell to transmit to you herewith, for the information and consideration of Viscount Palmerston, copies of a Despatch and its Enclosures from Her Majesty's Lord High Commissioner to the Ionian States, reporting the circumstances under which the Greek brig "*Miltiades*," with 14 negro slaves on board, has been detained at the port of Argostoli in the island of Cephalonia.

I am, &c.
(Signed) JAMES STEPHEN.

John Backhouse, Esq.,
&c. &c. &c.

P.S. I enclose, by direction of Lord John Russell, a copy of a further Despatch from Her Majesty's Lord High Commissioner on the same snbject.—J. S.

Second Enclosure in No. 56.

Sir H. Douglas to Lord John Russell.

My Lord, *Corfu, January* 24, 1841.

I have the honour to forward to your Lordship the copies of a letter with its enclosures, addressed to my Secretary by my Resident in Cephalonia, from which it appears that a brig under Greek colours, having negro slaves on board, has been detained by the proper authorities in the harbour of Cephalonia, whither it had been driven by stress of weather.

Desirous that the abettors, in whatever degree, of this horrible traffic, should be punished to the utmost, and fearing lest the laws of these States would not do more than set the poor negroes at liberty, I forwarded the information conveyed to me by my Resident, to Captain Townshend, of Her Majesty's ship "Tyne," whose instructions I had hoped would have enabled him to deal with the case as it deserved.

It appears, however, that I was mistaken, and that Captain Townshend does not consider himself warranted to interfere in a matter already in the hands of the Ionian authorities.

That being the case, I learn from the Advocate-General, whom I have consulted, that it will only be in my power to place the poor Africans at the disposal of this Government, and dismiss the brig with its master and crew. This defect in the Ionian law is susceptible of an easy remedy, for the 11th Act of the 2nd Parliament, which prohibits Slave Trading, empowers the proper authority to make "such regulations as may appear necessary to detain foreign vessels engaged in the Slave Trade, who arrive in Ionian ports, or pass through straits or channels of the Ionian seas," and it further authorises "such regulations as may from time to time be promulgated for the better attainment of this object."

These regulations have not been drawn up, but I will take care that they shall be compiled and published as soon as possible.

I beg your Lordship's particular attention to the circumstance of the agreement between the slave merchant and the captain of the brig having been drawn up in the office of the person who acts as agent both to British and French Consul at Tunis, and in the presence of an officer commanding a French sloop-of-war. I have felt it to be my duty to make known to Her Majesty's Consul-General at Tunis, that he may take such steps with regard to Signor Gaspari; and I trust that your Lordship will not allow the French Government to remain in ignorance of so scandalous a transaction having been carried on in the presence of an officer of the naval service without being denounced.

I am happy to be able to add, that there is still a chance of the captain of the brig being punished, for the Greek Consul has signified an intention of proceeding to Cephalonia, where, if, after making inquiries upon the spot, he shall be of opinion that the tribunals of Greece would take cognizance of the case, he would call upon the Resident to detain the vessel and crew till he can place them at the disposal of His Hellenic Majesty's Government.

I have therefore instructed my Resident to afford him all the information and assistance in his power.

I have, &c.,
(Signed) HOWARD DOUGLAS.

The Right Hon. Lord John Russell,
&c. &c. &c.

(The Correspondence between Sir Howard Douglas and Sir E. Lyons will be found in Sir E. Lyons's Despatch to Lord Palmerston, of February 22, 1841. See No. 57.)

Third Enclosure in No. 56.

Sir Howard Douglas to Lord John Russell.

My Lord, *Corfu, February* 3, 1841.

With reference to my Despatch of the 24th ultimo, reporting to your Lordship the detention of the Greek brig "*Milziade*" in the harbour of Ar-

gostoli, in consequence of having negro slaves on board, I have now the honour to inform your Lordship that I at the same time reported the matter to Her Majesty's Minister at Athens, from whom I have this moment received a communication, accompanied by copies of the Correspondence which has passed between the Greek Government and His Excellency upon the subject; and assuring me that the information supplied from hence was not only valuable, but had reached His Excellency very opportunely.

That it may assist him in his endeavours to rescue the Greek flag from the disgrace which favouring this horrid traffic has brought upon it, is my most ardent and sincere desire.

I have, &c.
(Signed) HOWARD DOUGLAS.

The Right Hon. Lord John Russell,
&c. &c. &c.

No. 57.

Sir E. Lyons to Viscount Palmerston.

Athens, February 22, 1841.
(*Received April* 6.)

My Lord,

With reference to my Despatch of the 28th ultimo, in which I had the honour of informing your Lordship that it had been discovered by the authorities of the Island of Cephalonia that a Greek vessel in the harbour had a number of African slaves concealed in her hold, I have now the honour to enclose copies of a letter from Sir Howard Douglas, and its enclosures, containing the details of this discovery, as well as of a letter which I have in consequence addressed to Monsieur Païcos, and of his reply thereto.

Your Lordship will observe that Monsieur Païcos still limits himself to speaking of a new law. I purpose calling on him to-morrow to state to him that when Lord Powerscourt's yacht was in Syra harbour, about three weeks ago, a vessel in quarantine, which did not hoist colours, but which was manned by Greek sailors, came in and anchored alongside, and that she had about 100 black slaves on board, many of them women, naked to the waist; and I shall not fail to tell Monsieur Païcos that Her Majesty's Government cannot be expected to believe that His Hellenic Majesty's Government is sincerely desirous of putting an end to this horrible traffic being carried on under the Greek flag, until the Minister of Marine and the Consuls in Barbary and Turkey respectively have definite and positive instructions to that effect.

I have, &c.
(Signed) EDMUND LYONS.

The Right Hon. Viscount Palmerston, G.C.B.,
&c. &c. &c.

First Enclosure in No. 57.

Sir Howard Douglas to Sir Edmund Lyons.

Sir,

Corfu, January 30, 1841.

In conformity with what I intimated in my Despatch of the 20th instant, I have the honour to forward copies of a Letter and its Enclosures, addressed to my secretary by my resident in Cephalonia, containing information relative to the detention of the Greek brig "*Miltiades*," in consequence of her having African slaves on board.

Desirous that the abettors, in whatever degree, of this horrible traffic should be punished to the utmost, and fearing lest the law of these states would not do more than merely set the poor negroes at liberty, I forwarded the information conveyed to me by Colonel Sutherland to Captain Townshend, of Her Majesty's ship "Tyne," whose instructions I had hoped would enable him to deal with the case as it deserved. It appears, however, that I was mistaken, and that Captain Townshend does not consider himself warranted to interfere in a

matter already in the hands of the Ionian authorities. That being the case, I learn from the Advocate-General, whom I have consulted, that it will only be in my power to place the Africans at the disposal of this Government, and dismiss the brig with its master and crew. The brig has consequently been placed at the disposal of the Greek Consul (Mr. Pizzoli), who has proceeded to Cephalonia on purpose; and I trust the Government of His Hellenic Majesty will be enabled to deal with the parties implicated in this abominable traffic conformably with their deserts.

I have, &c.
(Signed) HOWARD DOUGLAS.

His Excellency Sir Edmund Lyons, Bart.
&c. &c. &c.

Second Enclosure in No. 57.

Colonel Sutherland to Mr. Fraser.

SIR, *Cephalonia, January* 8, 1841.

I HAVE the honour to acquaint you, for the information of His Excellency the Lord High Commissioner, that the *Greek* brig "*Miltiades*," from Tunis for Candia, put into the port of Argostoli on the 6th instant, in consequence of stress of weather, when it was discovered, in the course of the usual examination by the Sanità Department at the Lazzaretto, that *besides* the 28 passengers and crew of 15, sworn by the captain to be on board, though 12 only of the former were entered in the bill of health, there were also in the vessel *fourteen African negro slaves*, 13 males and 1 female, clandestinely embarked in the bay or gulf of Tunis, after the brig had been cleared out for Candia.

On being made acquainted with this circumstance, I directed the vessel to be secured within the Mole, and the crew, passengers, and slaves brought into the lazzaretto, and a rigid investigation entered into; and the result, as per enclosed report from the Incaricato di Sanità, is the positive establishment of the fact, by the confession of the captain, supercargo, and others, as well as by the discovery of the bill of lading, or charterparty for the transport of the slaves, and other documents among the ship's papers, all of which are herewith transmitted, after having been at my desire examined by the advocate fiscal, who states, as per accompanying memorandum, that every necessary proof of this barbarous and nefarious transaction is satisfactory and complete; and I accordingly directed the vessel, crew, slaves, &c., to be detained within the lazzaretto until I can receive His Excellency's instructions.

I have, &c.
(Signed) W. SUTHERLAND,
Colonel and Resident.

J. Fraser, Esq.,
&c. &c. &c.

N.B.—It would seem, from the tenor of certain paragraphs published in recent numbers of the "Malta Times," that the exportation of slaves from Tunis, in vessels covered by the Hellenic flag, is not a matter of rare occurrence.
W. S.

Third Enclosure in No. 57.

Mr. Reynolds to Colonel Sutherland.

Sanità.
SIR, *Cephalonia, January* 8, 1841.

I HAVE the honour to report to you that on Wednesday, the 6th instant, I was summoned to the "Parlatorio" of the Lazzaret, by information that certain passengers on board the Greek brig "*Miltiades*" (anchored off the light-house of St. Theodoro, and put in here from stress of weather, having been out six days from Tunis, bound for Candia) desired earnestly to speak to

me, as they wanted to land here, being determined on not proceeding with the said brig.

On arrival at the lazzaret I found one of these passengers, Dr. Corbeau, a French medical gentleman, waiting, who stated that he had something private to communicate to me; and, on being taken into a separate place, he told me that he spoke in the name of all the other Frank passengers—that they considered their lives in danger, not only from the lawless crew into whose hands they had fallen, but also from their ignorance of navigation and of handling the vessel, as it was evident they did not know where they were when they discovered themselves off this island. Besides which, Dr. Corbeau told me that the captain had received on board, in the Gulf of Tunis, 14 black slaves, tied and bound, whom he had undertaken to deliver to some one in Candia.

I therefore returned to the man who had passed himself off as captain (but who afterwards turned out to be merely the scrivano), and again demanded how many passengers he had; he replied *twenty-eight*, and a crew of 15 persons in all, comprising himself; again taking his oath to the truth of his assertion; thereby proving his bill of health to be false, as in a marginal note thereon (evidently in a different hand-writing to the original) it is stated that he has only 12 passengers; moreover, the names of the sailors do not agree with his muster roll.

I then ordered all the passengers and crew to be brought on shore, to undergo the "visita medica," concealing, however, from this man the intelligence given by Dr. Corbeau. On their arrival I examined separately, and on oath, a Piedmontese passenger, named Cattin, and his wife, and also another Frenchman, a locksmith by trade; all of whose depositions concurred in stating that these 14 slaves were on board.

I therefore despatched the boat of the brig, with two of its crew (and a guardian expressly put into quarantine), escorted by the health-office boat, to the brig, and they soon after returned, bringing with them the 14 black slaves, namely, 13 men and 1 woman, and an old Greek, who afterwards turned out to be the father-in-law of the scrivano, and to be the *real* proprietor of the vessel, but who had been left on board as a guard. It is necessary, however, to remark that the scrivano, on seeing his boat go away escorted by the health-office boat, turning pale and trembling with agitation, said to me, "Oh, Sir, you have it in your power to ruin me," or words to that effect. I, feigning to misunderstand him, replied, "How so?" "Oh, Sir, I have some black passengers on board, whom I have not mentioned in my costituto."

Previous to commencing my examination, as soon as the visita medica was over, I caused the different parties to be placed in separate stalie, viz., in one the Frank passengers; in another the Greek and Turkish passengers, with the female slave and her owner—the 13 black slaves by themselves, and the captain, scrivano, and the old owner and his son in three separate cells. I sent a guardian and two of the crew on board, and put a boat, with a guardiano à vista, alongside; and on the morning of yesterday (the 7th) I caused the brig to be brought in and moored in the Mole of the Lazzaret, taking away her sails and rudder, and sent on board the captain, owner, and crew, continuing, however, the above-mentioned precautions of guardiani and barca à vista. At the same time I caused provisions to be given to the slaves, and gave orders to continue this until further instructions.

I next proceeded to take the depositions of all the principal parties in writing, from which it appears to me most clearly and satisfactorily proved (though particularly so from the confession of the old Greek proprietor of the vessel, as well as from that of the proprietor of the female slave) that the 13 male slaves were positively brought on board in the Gulf of Tunis, *tied* and *bound* as slaves by a confessed and *public SLAVE merchant*, and the *permit* of the *Bey* for their embarkation is the small slip of paper in Turkish transmitted herewith, together with the other papers, whereof No. 1 is the bill of lading for the slaves and the others, bill of lading of the cargo, consisting of red caps and other merchandize, together with effective money in dollars and other specie to the amount of 8000 dollars circa.

It having come out in the course of the investigation that the 13 male slaves were received on board at a place called Goletta, in the Gulf of Tunis, where a certain Signor Gaspari, a Frenchman, appears to be not only French

but *English* Vice-Consul, and that he also acts in the same capacity for most other nations, and moreover as sanità, or custom-house agent for the Bey, and that he had been present at the making the agreement for their freight.

I have this morning again opened a procès-verbal, from which it appears clearly proved by the confession of the proprietor, of the scrivano, and of the real captain, that this Signor Gaspari really was present at the agreeing for the freight, and was offered as a guarantee for the embarkation of them, and that he must have known of their embarkation is also proved by the depositions of the passengers, Dr. Corbeau, Signor Cattin and his wife, and a Candiot Greek, named Tannugli Benevachi.

I have the honour to transmit you moreover herewith the Carte di Navigazione of this vessel, besides the documents contained in the list containing the bill of health, muster-roll, passports, &c.

I have, &c.
(Signed) W. L. REYNOLDS,
In charge of Health Department.

Colonel Sutherland,
&c. &c. &c.

P.S.—I have this instant received a reply from the prior of the Lazaret, stating that the captain declares he cannot supply the 10 or 12 indigent Greeks and Turks (amongst the passengers), as he has not provisions enough for his crew to finish their quarantine; and I beg therefore to know whether or not I am to provide them at the expense of the Government.

W. L. REYNOLDS.

Fourth Enclosure in No. 57.

(Translation.)

Report of the Proceedings on the discovery of the concealment of Slaves on board the Greek brig "Miltiades."

Lazaretto, Cephalonia, January 6, 1841.

THE Greek brigantine "*Miltiades,*" Captain Manolli Russi, in six days, according to his declaration, from Tunis, having on board 28 passengers, and a crew consisting of 15 persons, including the captain, having arrived in this port, and anchored near the light-house of St. Theodore, the above-mentioned captain came on shore, accompanied by M. le Docteur Pierre Gaspare Corbeau: the latter declared to the prior of the Lazaretto that he and several other Frank passengers positively declined proceeding with the said captain, for reasons which he would only explain to the Incaricato di Sanità in person—

Consequently, the Undersigned withdrew with the said Mr. Corbeau, and inquired of him what he had to communicate. He replied, "Besides the bad treatment to which we have been exposed on board the said vessel, and its illegal navigation, since there is no muster-roll containing the names of the crew and passengers, it has also on board 14 slaves, in contravention of the laws of nations, whom the captain embarked near the Goletta, at Tunis, tied with cords, in order to deliver them as slaves to a Turk in Candia.

"After our departure from Tunis, the said captain, instead of making sail and proceeding on his voyage, loitered in the Gulf of Tunis, and on the Wednesday after sunset of the second day, *i. e.* the evening of the Wednesday after Christmas, 13 black men were brought on board. A black female slave was already on board, when the others were brought, all bound together with cords, accompanied by a slave merchant, personally known to me and also to every one at Tunis as publicly exercising that trade which is permitted by the Tunisian Government. The said slaves are on board, but they are concealed in the hold of the vessel, and not permitted to appear on deck.

"When we approached this island the person who gives himself out as master, and who is at this very moment in the 'Parlatorio,' and likewise two other persons who are on board, but in what capacity I do not know, sent for us, and told us to swear to say nothing about the slaves being on board, because they knew that such traffic was against the laws of nations, and that it

would be punished if it were discovered, threatening at the same time to kill us all and throw us into the sea if we should reveal the fact. This happened when we were near the island; and moreover when I came upon deck, he who passes for master asked me if I had money to buy provisions with; and upon my saying yes, his father (that man with a white beard) said to me, 'If I had known that you had money, I would have thrown you into the sea.' Just now, whilst you were speaking to me, the *soi-disant* captain whispered to me, making signs at the same time, that if I should reveal what I knew, and what was on board, he would serve me out (*mi avrebbe servito*), showing me his knife at the same time. Therefore I implore the magistrate to take such measures as he may consider necessary, so that I and the other Frank passengers may be permitted to land in this Lazaretto, and that the slaves may be liberated. All this I affirm upon oath as the simple and pure truth.

(Signed) "CORBEAU."

The boat was then ordered to return on board, and bring on shore all the passengers; the captain, or at least he who had presented himself as such at the Parlatorio, having repeatedly sworn and declared that there were only 28 passengers on board. The Undersigned having said nothing about the information received from Dr. Corbeau, on the return of the boat to the Parlatorio with the 28 persons, called aside Mr. Giovanni Pietro Cattin, quondam Pietro, a native of Savoy, and passenger on board the said vessel. On being requested by the magistrate to declare upon oath all that he knew with regard to the 14 slaves on board the vessel, he answered, "I embarked on board the said vessel at Tunis, in order to go to Candia with my family, consisting of my wife, daughter, and servant. The captain, by delaying, made us lose two days in the Gulf of Tunis, and on the second day I landed at the Goletta, in order to complain to a certain Gaspari, who I believe acts as Consul for all nations, against such delay; but receiving nothing but empty promises from him that the vessel should proceed on the arrival of the son of the captain, who had returned to Tunis, I re-embarked, and, during the evening of the said day, which I believe was the Wednesday after Christmas-day (New Style), we saw a boat arrive, having in it the son of the captain and 13 black slaves, all of them with their hands tied behind their backs with cords, and also a slave-merchant, whom I had often seen selling slaves in Tunis: the slaves were untied one by one; and, by dint of blows from a rope, were forced to come up the side, and on arriving upon deck, were sent below into the hold, from whence they were not allowed to go upon deck, except one by one, and always guarded. We made sail about half an hour after they got on board; and, having a fine breeze, on the whole we have made a good voyage; but it was evident that the crew were most ignorant; for when we got sight of this island, no one knew where we were: but the captain, or at least he who pretends to be such, thinking it might be Cephalonia, said to me, 'If you will swear to say nothing about our having black people on board,' (he does not call them slaves,) 'we will go in; but if you do say anything, we are lost men.' He and the others made us repeat this oath until we were angry; and this very morning, when Mr. Corbeau went on shore with the *soi-disant* master, the crew, seeing that they were a long time, made us a thousand menaces against our saying anything; and when the boat returned to take us on shore, that man with the great mustachios said to us, 'If we had thrown you into the sea, this would not have happened.' He adds, moreover, that whilst the captain was on shore at the Lazaretto, the black men wishing to come upon deck, two of the crew armed themselves with sabres, and made them go down again into the hold by dint of blows. Having read this over to him in French, as this gentleman speaks French with greater facility than Italian, he confirmed it upon oath.

(Signed) "CATTIN."

Signora Virginia, wife of the Signor G. P. Cattin, being interrogated, fully confirmed the deposition of her husband concerning the bringing on board of the 13 men slaves, with their hands tied behind them, and the negress who was already on board. The whole of which, she said, she saw from on shore, from the house of Mr. Gaspari, whither she had gone to complain of the delay. This having been read to her in French, she confirmed it.

(Signed) VIRGINIA CATTIN.

Celestin Lecomte, quondam Philippe, native of Cambray, a locksmith by prosion, being interrogated, confirms the depositions of the preceding witnesses; and adds, moreover, that being sent to sleep in the hold, together with the 13 men slaves, he was positive that they were slaves, and that all the passengers shed tears on seeing the cruel way in which they were brought on board; so much so that, when they were unbound, they had not strength enough to get up the side, and were forced to do so by cuffs and blows. They were accompanied and brought on board by a slave-merchant well known to him by sight, but not by name, and no attempt was made to conceal that they were slaves; a fact corroborated by every act of the crew towards them during the voyage, who only allowed them to go upon deck to satisfy the wants of nature, and then drove them down again by blows with a rope's end.

This having been read to him in French, he confirmed it with an oath.

(Signed) CELESTIN.

After receiving this information the undersigned ordered that the boat of the aforesaid brig, with two sailors and one guardian, should proceed immediately alongside, accompanied by the boat of the captain of the port, having in it Signor Luca Moraiti, Prior of the Lazaretto, and disembark the 13 aforesaid black slaves, and this was done without informing the *soi-disant* captain that anything was known about the slaves who were on board; and whilst the boat was pushing off from the mole of the Lazaretto the *soi-disant* captain changed colour, and exhibited all the signs of alarm. After some time, addressing himself to the undersigned, he said, "Sir, you have it in your power to ruin me." "What?" answered the undersigned. "I confess," said he, "that I have some persons on board whom I have not mentioned." "And who are they?" asked the undersigned. "Black men," answered he.

In the mean time the Prior of the Lazaretto, Signor Luca Moraiti, having arrived alongside the brig, the 13 men and the negress were brought out of the hold, and carried on shore in the boat of the vessel, having in it likewise the above-mentioned old man with the white beard, and the boat was towed and escorted by the boat of the Sanità, and they were placed in separate stalie of the Lazaretto, that is, the Frank passengers apart, the Turks and Greeks in others, the *soi-disant* captain in another, and the father-in-law of the captain (who is the old man with the white beard) and a boy in another. They were secured for the night in the Lazaretto by guards outside, and a guardian sent on board the vessel, and a guard-boat in sight.

(Signed) WILLIAM REYNOLDS,
Incaricato di Sanità.

January 7, 1841.

The aforesaid *soi-disant* captain being called from the stalia where he had been placed, was interrogated as follows:—

On being asked his name, he said at first that his name was Emanuel Rossi, but the undersigned having observed to him that there was another Emanuel Rossi, and therefore that that could not be his real name, he admitted that his true name was Gregorio Mavroles, of Elias, 24 years of age, native of Casso, and by profession scrivano of the vessel "*Miltiades*," now anchored in this port.

Why did you give yourself out to be captain?—Being scrivano on board I was ordered to give my declaration in quality of captain.

Who is the real captain?—Emanuel N. Rossi, who is in this stalia.

Why did you not mention having 14 black people on board; that is to say, 13 men and 1 woman?—Having them on board as passengers for Candia, I thought it useless to mention them.

From whom did you receive these black people, in what capacity, and for what object?—They were embarked by a Turk, in order to be delivered at Canea to another Turk, and here is my agreement with him for the freight:

N.B.—He also presented the following papers:—

No. 1.—1840, December 17, bill of lading.
No. 2.—1840, December 10, ditto for 1000 pieces of 5 francs.
No. 3.—1840, December 11, bill for 41 ox-skins and 50 dollars.
No. 4.—1840, December 11, ditto for a box of red caps.

No. 5.—1840, December 11, bill for 2660 French dollars.

No. 6.—1840, December 10, ditto for 1 case of sundries and 4 packets of dried fish.

No. 7.—1840, December 10, bill of lading for 3000 pieces of 5 francs.

No. 8.—1840, December 10, ditto for 200 pieces of 5 francs.

No. 9.—1840, December 11, ditto for 2 cases with different marks, and another ditto.

No. 10.—1840, December 10, ditto for 1000 5-franc pieces.

No. 11.—1840, December 11, 3 cases of sundries, 1 package, and 1 box sundries.

No. 12.—1840, December 10, 1 box, and 1 package of merchandize.

No. 13.—A Turkish letter.

No. 14.—A Turkish letter enclosing the duplicate bill of lading for the black people, and three other Turkish letters, all marked No. 14.

Did the negroes come on board of their own accord, or were they brought by force?—I did not see that they were bound; they were brought on board by a boat.

Why were they kept concealed in the hold?—They were not concealed, but were kept in the hold because there was no other place for them.

Who is the proprietor of the vessel?—That old man with the white beard, Giorgio M. Sacali, my father-in-law, native of Cassos; and I beg you to tell me what I am to do with the merchandize and with the money which I have on board, for I do not wish to injure the merchants and shippers.

Read to him, and confirmed by him.

(Signed) GREGORIO MAVROLES.

Emanuel Rossi, of Nicola, from Cassos, captain of the vessel "*Miltiades*," being brought forward, was asked in what capacity he served on board the said vessel?—I am the captain, but I do not interfere in the least now that the real proprietor of the brig, Giorgio Sacali, is on board. I am merely nominal captain (capitano di bandiera) on board, because he, being an inhabitant of Canea, under the Turkish dominion, could not have the Greek flag. However, they never let me act in anything.

Why did you not come last night to make your declaration?—As I have already said, they have never allowed me to make a declaration, nor have they ever permitted me to go anywhere.

How do those black men come to be on board?—They were brought on board, but I do not know for what object.

This being read to him in Greek, he confirmed it and signed it.

(Signed) EMANUEL ROSSI.

Giorgio Sacali, of Cassos, but an inhabitant of Candia, of about 50 years old, being called, was asked in what character he acts on board the "*Miltiades*," now anchored off this mole?—I am the proprietor of that vessel.

Why did you not present yourself as such yesterday at this office?—As the scrivano came on shore I thought it useless.

Who are those 14 black people on board, and how do they come to be on board?—We left Tunis with the passengers who are now on board, but in consequence of contrary winds we put back to Tunis, where a negro said to us that he had brought some slaves to deliver to us as passengers, to be carried to Candia and delivered to a Turk. We, in order to receive the freight, went to a certain Signor Gaspari, who is a sort of consular agent, and we agreed with the negro to take them, on the freight being previously paid. We made out the contract for 41 dollars, they brought them on board in the evening, bound, and we made sail.

This having been read to him, he, not knowing how to write, made the sign of the cross.

(Signed) ✠

The 13 negroes being called were examined, through the interpreter Paolo Farruggia, of Malta, who said he knew their language.

How did you come to be on board this vessel?—We were taken on board bound as slaves (making signs at the same time that their hands were tied behind their backs), and we did not know our destination.

How were you treated by the captain and the crew?—Badly, because for every slight thing we were beaten (making signs that they were beaten), nor had sufficient provisions been allowed us.

The negress being brought forward, was asked how it happened that she was on board, and replied: "I can only say that I was at home with my father and mother, and the Greek merchant in whose possession I now am came, took me, and carried me on board; nor do I know where he is taking me, as he has stolen me from my parents."

What is your name?—Mariam, daughter of Ali.

The merchant whom the negress had pointed out as having kidnapped her was asked his name, and replied: "Constantine Laranza, quondam Asticno, of Candia, but domiciled at Calamata, 25 years old, and by profession a merchant."

How did the negress named Mariam come into your hands?—A Turk at Tunis, named Ismael Aga, made her a present to me as a servant, and she is free to go or stay, as she pleases.

Do you know whether the 13 black men are free or slaves?—I only know that after our departure from Tunis we were obliged to put back by contrary winds, and on approaching the Goletta in the evening I saw a boat bring those persons on board bound, who were delivered up bound by their owner, who is a slave-merchant, native of Tripoli.

The above having been read to him, he confirmed it.

His ⋈ cross.

Fifth Enclosure in No. 57.

Procès Verbal of an Examination as to the part taken by Signor Gaspari, Vice-Consul for England and other nations, at the Goletta, in the embarkation of Slaves on board the Greek brig "Miltiades."

Lazaretto, Cephalonia, January 8, 1841.

HAVING read attentively the *procès verbal* held yesterday relative to the 14 blacks found on board the Greek vessel "*Miltiades*," captain Emanuel Russo:

Perceiving that from the depositions of Giorgio Sacali, proprietor of the said vessel, and of Gregorio Mavroles, it results that a certain Signor Gaspari, consular agent of various powers at the Goletta, was concerned in the embarkation of these negroes:

Perceiving, finally, that this act of his may interest various European powers, therefore,

The undersigned determined, this day, to repair to the Lazaretto to commence a *procès verbal* relative to the part taken by the said Gaspari in the embarkation of the negroes.

The proprietor of the vessel, Giorgio Sacali, having been called, it was remarked to him, that in his declaration of yesterday he had said that Signor Gaspari had taken part in the embarkation of these 13 male slaves, inasmuch as he had lent himself to arrange the freight for the same.

You are now, therefore, called upon to give every information possible relative to the part taken by the said Gaspari in this affair?—After having agreed about the freight with the slave-merchant for the 13 slaves, I said to him: "What surety do you give me that you will not fail to bring these slaves on board to-morrow?" and he replied, "I am ready to pay 100 dollars in case I break my word, and do not arrive in time; and I give you as guarantee Signor Gaspari." In fact, we then went to Signor Gaspari, who assured me that if the proprietor of the slaves should break his word he himself would pay me the hundred dollars.

This having been read to him he confirmed it, declaring that during the drawing up of this agreement Damugli, one of the passengers, was present.

Gregorio Mavroles, scrivano of the vessel, being called, was asked what part Signor Gaspari took in the embarkation of the negroes, and he replied:—

"I only know that the contract for the freight of the said negroes was drawn

up in the office of Mr. Gaspari, and in his presence, and therefore that their embarkation was known to him."

This having been read to him, he confirmed it.

(Signed) GREGORIO MAVROLES.

Being interrogated afresh why Signor Gaspari did not insert their names in the patent, when he knew they were to be embarked, he answered: "I told him to insert them in the patent, but he said to me that it was of no use, since he had their permission to embark, written in Turkish, which he gave to me, and which I gave up yesterday to this office, with the bills of lading and other papers."

This being read to him, he confirms it.

Emanuel Rossi, captain of the said vessel, having appeared, was asked what part Mr. Gaspari took in the embarkation of the 13 black slaves, and he answered: "I know of nothing, beyond having heard that the contract for their freight was drawn up in the presence of Signor Gaspari, and under his guarantee."

This having been read to him, he confirmed it.

Damugli Benevanaki, native of Candia, but residing at Milos, by profession a merchant, having appeared, was asked if he knew a certain Gaspari of Tunis, and of what profession he was: "I know him; he is a Frenchman by birth, and at Tunis, or rather at the Goletta, he performs the duties of vice-consul for various nations, and also acts in the Health Office for the Bey of Tunis.

What part did the said Gaspari take in the embarkation of the 13 black slaves?—I was present when the proprietor of the vessel made the contract for freight with a Tripolitan slave merchant, and the said Signor Gaspari was present; but no mention was then made whether the passengers were slaves or freemen, white or black, and the freight agreed upon was 41 dollars, and 5 per cent. on the freight to the captain (di Cappa).

This having been read to him, he confirmed it.

Signor Giovanni Pietro Cattin, of Savoy, having appeared, was asked if he knew a certain Gaspari at Tunis, and of what profession he was?—I know him extremely well. He, at the Goletta, performs the duties of Vice-Consul for all nations, and also acts as Superintendent of the Health Office and Customs for the Bey, so that nothing can be shipped or landed without his knowledge.

Do you know whether this Signor Gaspari took any part in the shipment of the 13 black slaves?—Signor Gaspari must have known of the shipment of these black people, because in front of his house there is a draw-bridge, of which he keeps the keys, and under which every boat must necessarily pass. Besides this, I saw the boat with the blacks, and also the passenger Damugli on board, remain some minutes opposite the house of Signor Gaspari.

This being read to him in French, he confirmed it.

Signora Virginia, wife of Signor Cattin, having appeared, was asked if she knew a certain Signor Gaspari at Tunis, and what his profession was?—I know him; he is a Frenchman, who, at the Goletta, performs the duties of Vice-Consul of various nations.

Do you know whether this Signor Gaspari took any part in the shipment of the blacks?—Having gone to Signor Gaspari's in company with my husband, to complain against the delay of the captain, he told us that the captain was expecting other passengers, and that he could not go without them. After this we saw a boat arrive from Tunis, with slaves and the captain on board, which stopped opposite the house of Signor Gaspari, into which the captain went, and the passenger Damugli getting into the boat, went on board the vessel with the black people.

Doctor Corbeau having appeared, was asked whether he knew a certain Signor Gaspari, and of what profession he was? He replied: "I know him, he is Vice-Consul at the Goletta for France, for England, and for all other nations, except Naples."

Was the shipment of the 14 black slaves known to Mr. Gaspari?—Nothing

can be shipped or landed at the Goletta without the knowledge of Signor Gaspari; besides, as he keeps the keys of the draw-bridge, the slaves could not be embarked without his permission, and as it was broad daylight when they were embarked, he could not but have seen them.

This being read to him, he confirms it.

Damugli Benevenaki being again called forward, was asked if it was true, as several other passengers had deposed, that he, from the Goletta, had embarked in the boat containing the blacks, and had gone on board the vessel "*Miltiades*" with them?—Yes.

Were the blacks bound?—Yes.

This being read to him, he confirmed it.

(Signed) DAMUGLI BENEVENAKI.

Sixth Enclosure in No. 57.

Colonel Sutherland to Mr. Fraser.

SIR, *Cephalonia, January* 11, 1841.

WITH reference to my communication of the 8th instant, and its enclosures, relative to the detention of the Greek brig "*Miltiades*" in the Lazaretto of this port, in consequence of having 14 negro slaves on board shipped in the Bay of Tunis for the island of Candia, I have now the honour to enclose a further report on the subject from the Incaricato di Sanità.

I have, &c.

J. Fraser, Esq., (Signed) W. SUTHERLAND,
&c. &c. &c. *Colonel and Resident.*

Seventh Enclosure in No. 57.

Mr. Reynolds to Colonel Sutherland.

SIR, *Sanità, Cephalonia, January* 9, 1841.

IN addition to what I had the honour to submit to you in my letter of last night, relative to the slaves on board the Greek brig "*Miltiades,*" I have further to inform you that the proprietor, Giorgio Sacali, this morning sent me word that there was present in the house of Signor Gaspari, at Goletta, on the occasion of his making the agreement for the freight of the 13 black slaves, the commandant of a French brig-of-war; and having immediately proceeded to the Lazaret, and reopened a fresh *procès verbal,* it has been most clearly and satisfactorily proved to have been *Mr. Annibal Cunes d'Ornano,* commanding the French brig-of-war "*Palinure,*" which has been stationed at Tunis for some months past, and who, together with two other officers, appears to have been present at this transaction.

In fact, I have the honour to transmit you herewith, together with a copy of my said process, a visiting card of that gentleman, presented me by the witness Damugli Benevenaki.

I have, &c.

Colonel Sutherland, (Signed) W. L. REYNOLDS,
&c. &c. &c. *In charge of Sanità.*

Eighth Enclosure in No. 57.

(Translation.) *Health Office, Cephalonia, January* 9, 1841.

THE undersigned having received a message, through the Prior of the Lazaretto, that Signor Giorgio Sacali, proprietor of the brig "*Miltiades,*" under detention in the Lazaretto until further orders, in consequence of the affair of the black slaves, wished to inform him that when he contracted for the freight of 13 slaves there was also present the captain of a French brig-of-war stationed at Tunis, the undersigned having gone to the room over the Lazaretto,

and having summoned the said Giorgio Sacali, and having asked him what he had to say, he (Sacali) answered: "Sir, yesterday, when I gave you my deposition relative to the drawing up of the contract for the freight of the 13 slaves, I omitted to mention that there was also present on that occasion the captain of a French brig-of-war, which has been stationed at Tunis for more than three months, who, on hearing the slave merchant offer Mr. Gaspari to me as guarantee, began to laugh, and turning round to Gaspari observed to him, 'See, they make you also security for the slaves.' On this occasion Damugli also was present acting as dragoman, as he knows French."

Why did you not mention this circumstance to me yesterday?—I did not conceal it intentionally, it had escaped me.

This being read to him, he confirms it, and makes the sign of the cross.

(Signed) ⋈

Damugli Benevenaki being summoned, was asked why, yesterday, in his deposition concerning the contract for the freight of the slaves made in the house of Gaspari, with his assistance as interpreter, he had not mentioned that there was also present on that occasion the captain of the French brig-of-war?—At the moment I did not remember; but I believe that I told you that I was acting as interpreter for the freight of certain passengers, knowing them to be slaves, when certainly there was present not only the captain of the said French brig-of-war, but also I think the surgeon and another officer of the same vessel. Indeed, on this occasion he gave me this visiting-card, in order to remind me to present his compliments to Mr. Brest, the French Consul-General at Milos. [He here presented the visiting-card—"Annibal Cunéo d'Ornani, Capitaine de Corvette."]—On the back of this card was written, "Commandant le brig le '*Palinure*,' se rappelle au bon souvenir de Mr. Brest et de toute son aimable famille."

This being read to him, he confirms it.

Dr. Corbeau being called, and being shown this visiting-card, recognized it as that of Mr. Annibal Cunéo d'Ornani, commanding the French brig-of-war the "*Palinure*," stationed at Tunis.

(Signed) WILLIAM REYNOLDS.

Ninth Enclosure in No. 57.

Sir E. Lyons to Mr. Païcos.

MONSIEUR LE SECRETAIRE D'ETAT, *Athens, February* 13, 1841.

I HAVE the honour to enclose, for the information of His Hellenic Majesty's Government, a letter addressed by the resident of Her Majesty's Lord High Commissioner in the Ionian Islands at Cephalonia to his Excellency's Secretary, relative to the detention of a Greek brig named "*Miltiades*," in consequence of her having African slaves on board.

Sir Howard Douglas, in communicating this letter to me, states that he is advised by the legal authority whom he has consulted, that he can do no more than place the poor Africans at the disposal of the Ionian Government, and dismiss the brig with its master and crew; and His Excellency informs me that the brig has in consequence been placed at the disposal of His Hellenic Majesty's Consul, Mr. Pizzoli, who has proceeded to Cephalonia on this account; and that he trusts that the Government of His Hellenic Majesty may be enabled to deal with the parties implicated in this abominable traffic conformably with their deserts.

I have, &c.

(Signed) EDMUND LYONS.

Monsieur Païcos,
&c. &c.

Tenth Enclosure in No. 57.

M. Païcos to Sir E. Lyons.

MONSIEUR LE CHEVALIER, *Athènes, ce* 9 (21) *Février*, 1841.

LES consuls du Roi à Corfoù et à Cephalonie m'avaient déjà fait connaître tout ce qui concernait le bric Grec le "*Miltiade*," arrêté au port de cette dernière île par ce qu'il avait des Africains esclaves à son bord.

Je vous remercie néanmoins pour les renseignemens que vous voulez bien me donner sur ce même sujet par votre office du 13 de ce mois. En même tems j'ai l'honneur de vous annoncer que le Ministère avait transmis dès le 6 (18) Janvier dernier à ces consuls aux îles susmentionnées le même ordre de faire mettre immédiatement en liberté les noirs se trouvant à bord du "*Miltiade*," attendu que l'esclavage est défendu aussi par les lois Grecques.

Considérant de plus que la loi existant à cet égard n'avait pas de sanction pénale, et qu'elle n'était pas complète, le Gouvernement s'est empressé de soumettre à la délibération du conseil d'état un nouveau projet de loi, par lequel tout commerce et transport d'esclaves en général est sévèrement défendu aux sujets de ce royaume.

Agréez, &c.
(Signé) A. PAICOS.

Monsieur le Chevalier Edmund Lyons,
&c. &c. &c.

(Translation.)

M. LE CHEVALIER, *Athens, February* 9 (21), 1841.

HIS Majesty's Consuls at Corfu and Cephalonia had already informed me of everything concerning the Greek brig "*Miltiades*," detained at the latter island for having African slaves on board.

I thank you, nevertheless, for the information which you obligingly give me on the same subject by your note of the 13th instant. At the same time I have the honour of announcing to you that on the 6th (18th) of February, the Ministry had transmitted to the consuls at the above-mentioned islands the same orders for the immediate liberation of the negroes on board the "*Miltiades*," seeing that slavery is also forbidden by the Greek law.

Considering, moreover, that the existing law in this respect had not the sanction of penalties, and that it was incomplete, Government has hastened to submit to the consideration of the council of state a new draft of law, by which all trade in and carrying of slaves in general is strictly forbidden to the subjects of this kingdom.

Accept, &c.
(Signed) PAICOS.

No. 58.

Sir E. Lyons to Viscount Palmerston.

Athens, March 8, 1841.
(*Received April* 6.)

MY LORD,

WITH reference to my Despatch of the 22nd ultimo, I have the honour to inform your Lordship that I stated to Monsieur Païcos, on the 24th ultimo, that Her Majesty's Government could not be expected to believe that His Hellenic Majesty's Government was sincerely desirous of putting an end to the Slave Trade carried on in Greek vessels until the Minister of Marine and the consuls in Barbary and Turkey respectively had definite and positive instructions to that effect. I regret, however, to have to report to your Lordship that my observations have remained unattended to up to the present moment, and that no measures of the kind, that I can hear of, have hitherto been taken to put a stop to this inhuman traffic.

It appears by a letter that I have received, whilst writing this Despatch, from Her Majesty's Lord High Commissioner in the Ionian Islands, that the Greek consul there has been asserting that from the moment the 14 African negro slaves, shipped in the bay of Tunis on board the Greek brig "*Miltiades*," were covered by the Greek flag, they were free and well treated: an assertion which Sir Howard Douglas says is directly at variance with the facts of the case.

I have, &c.
(Signed) EDMUND LYONS.

The Right Hon. Viscount Palmerston, G.C.B.,
&c. &c. &c.

No. 59.

Sir E. Lyons to Viscount Palmerston.

Athens, March 22, 1841.
(*Received April* 13.)

My Lord,

I have the honour to transmit to your Lordship herewith copies of a letter and of its enclosures which I addressed to Monsieur Païcos on the 17th instant, refuting the official assertion of the Greek consul at Corfu that the negroes on board the Greek brig "*Miltiades*," in Cephalonia, were not treated as slaves whilst they were under the Greek flag.

With reference to my Despatches of the 22nd of February and the 8th of March of this year, I regret to state that the penal law therein mentioned has not yet been published, although two months have nearly elapsed since it passed through the council of state.

In hopes of being able to make a satisfactory report to your Lordship on this subject, I have just sent to the Foreign Office to ask for information, and I cannot learn that the Greek Government has taken any efficient measures to show its disavowal of this horrible traffic.

I have, &c.
(Signed) EDMUND LYONS.

The Right Hon. Viscount Palmerston, G.C.B.,
&c. &c. &c.

First Enclosure in No. 59.

Sir E. Lyons to M. Païcos.

Monsieur le Secretaire d'Etat, *Athens, March* 17, 1841.

I have the honour to transmit to you herewith, for the information of His Hellenic Majesty's Government, copies of a letter and of its enclosures, which I have received from Her Britannic Majesty's Lord High Commissioner in the Ionian Islands, respecting the African slaves who, in the beginning of January last, were found secreted in the hold of the Greek brig "*Miltiades*" in the harbour of Argostoli in Cephalonia.

It will not escape your observation, Monsieur le Secrétaire d'Etat, that the effect of the letter of His Hellenic Majesty's Consul at Corfu is to impugn the validity of the official reports which the Lord High Commissioner received from British officers of rank, and upon which his Excellency had acted; and you will no doubt observe that the consul, in his strange attempt to vindicate the conduct of the master of the Greek brig, casts unsupported censure upon a Dutch consul and upon the French and Piedmontese passengers in the brig, who, in the interest of humanity, gave the information which has rescued 14 of their fellow-creatures from pining away their lives as slaves in a foreign land.

I have, &c.
(Signed) EDMUND LYONS.

Monsieur Païcos,
&c. &c. &c.

Second Enclosure in No. 59.

Sir Howard Douglas to Sir E. Lyons.

SIR, *Corfu, March* 2, 1841.

HIS Hellenic Majesty's consul at this place (Mr. Pezzoli) having, in a letter addressed to my Secretary, copy herewith enclosed, asserted, that from the moment the fourteen African negro slaves, shipped in the Bay of Tunis on boa d the Greek brig "*Miltiades*," Captain E. Russi, were covered by the Greek flag they were free and well treated, and this assertion being at variance with all the previous information, I directed that the letter in question should be referred to my resident in Cephalonia, copy of whose report in reply to that reference I think it right to transmit to you for the information of the Greek Government.

I have, &c.

Sir Edmund Lyons, (Signed) HOWARD DOUGLAS.
&c. &c. &c.

Third Enclosure in No. 59.

The Greek Vice-Consul to the Secretary of the Lord High Commissioner.

(Translation.)

MOST ILLUSTRIOUS SIR, *Cephalonia, January* 18 (30), 1841.

THE facility and condescension which His Excellency the Lord High Commissioner, together with your Illustrious Lordship, procured for me from the Honourable Resident in bringing about the liberation of the Greek brig "*Miltiades*" makes it my duty to express to you my thanks, and to request you at the same time to present them on my part to His Excellency.

It is the more gratifying to me to fulfil this duty, as I at the same time have the satisfaction of assuring his Excellency that it appears from the examinations of all the passengers who were on board the abovementioned vessel, that the thirteen negroes were free, taken care of, and well treated from the moment they went on board the Greek vessel. The negroes themselves, in the presence of the health inspector, Mr. Reynolds, have unanimously declared to that effect.

It appears that a rancorous feeling of some one among the French passengers towards the captain had induced the said passengers to exaggerate, without any reason, in their first deposition, the conduct of the crew and captain of the vessel. The latter is above all guilty of irregularity in respect of his clearances, partly perhaps owing to the neglect of the Dutch consular agent in Tunis, by whom they were despatched; but he will, nevertheless, on his arrival in Greece, be subject, in consequence thereof, to the penalties established by law.

I avail myself, &c.

(Signed) F. PEZZOLI,

The Most Illustrious Signore J. Fraser, *Greek Vice-Consul.*
&c. &c. &c.

Forth Enclosure in No. 59.

Colonel Sutherland to Mr. Fraser.

SIR, *Cephalonia, February* 25, 1841.

I HAVE the honour to acknowledge the receipt of your communication of the 11th instant, with its Enclosure (herewith returned) to your address under date of 18th (30th) ultimo, from the Signor Pezzoli, His Hellenic Majesty's Consul at Corfu, relative to the fourteen African negro slaves shipped in the Bay of Tunis on board of the Greek brig "*Miltiades*," Captain E. Russi, and afterwards landed in this port.

I must confess that it was with the utmost astonishment I read the paragraph

in which Signor Pizzoli ventures to assert that from the moment they were covered by the Greek flag those negroes were free, because, so far from such a supposition being in the slightest degree countenanced by any of the examinations entered into, the very contrary is clearly and incontrovertibly established by the concurrent testimony and depositions already forwarded to you of the captain, clerk, and passengers of the brig, whether Franks, Greeks, Turks, or the negroes themselves, whether taken by the Incaricato di Sanità or by the Signor Pizzoli himself, all calling, designating, and speaking of them as slaves; and you will perceive from the accompanying further report from the Incaricato di Sanità, and depositions of the negroes, now taken through an interpreter, who thoroughly understands the language of the negroes as well as the English, that these unfortunates were brought *bound* alongside of the brig for embarkation, and still bear the marks of the cords, loosed (sciolti) to enable them to get up the side; and although permitted to go and remain on deck during the day time, whilst the vessel was at sea, they were, both at the beginning and end of the voyage, when in the vicinity of land, *closely confined to the hold*, from whence they were only allowed to issue to *satisfy the calls of nature, one at a time*, escorted by some of the crew—even this indispensable indulgence being denied to them on approaching this island, as they were not suffered to quit the hold under any pretext after their arrival in the Port of Argostoli, one of them having been kicked by a sailor of the crew for urging the torture he was undergoing from such a call in support of his demand to go on deck for a few moments. Yet this is what I presume the Signor Pizzoli asserts is being "liberi, sciolti, e ben trattati!" although to any other person it would convey a quite contrary impression. Finally, that the negroes did not consider themselves free ("liberi"), but slaves, on their arrival here, is evident from the formal claim and demand they unanimously made when once on the Ionian soil, in the lazaretto, before three of the judges of the land, for their *liberty*.

I abstain from any observation on the aspersion cast by the Signor Pizzoli on the motives of the French passengers, as their conduct throughout the affair needs no other explanation than the indignation that must be naturally felt by every well-constituted mind against the iniquity of the traffic which the captain and crew of the Greek brig "*Miltiades*" were aiding and abetting, if not actually engaged in.

I have, &c.
(Signed) W. SUTHERLAND.
Col. and Resident.

J. Fraser, Esq.,
&c. &c. &c.

Fifth Enclosure in No. 59.

Mr. Reynolds to Colonel Sutherland.

SIR, *Health Office, Cephalonia, February* 25, 1841.

IN reply to the observations contained in Mr. Pezzoli, the Greek Consul's communication of the 30th ultimo to his Excellency the Lord High Commissioner, that it had been stated in my presence by the black slaves found on board the Greek brig "*Miltiades*," Captain E. Russi, that they had been, from the moment they came on board in Tunis, *liberi, sciolti, e ben trattati*, and in which letter Mr. Pezzoli endeavours to confute the fact (notwithstanding it was so clearly proved by the bill of lading, in Greek, delivered to Mr. Pezzoli, together with the other papers, both in original and duplicate), that they were slaves, I have the honour to rejoin that they certainly stated through their interpreter, and made signs to the effect, that, although they had been brought on board tied (marks of which they showed Mr. Pezzoli on their arms), that they had been kept in the hold of the vessel "*sciolti*," or "*untied*;" but as to their being "*liberi*," I cannot change the opinion I expressed to Mr. Pezzoli on that occasion, when he exultingly turned to me and said, "There, you see they were liberi, or free," and which opinion was that I could not consider men free who were kept confined in the hold of a vessel, and only permitted to come on deck by one at a time, to fulfil the calls of nature, but never otherwise; a circumstance, this, confirmed by all the passengers, Greeks and

Turkish, as well as the Franks, and also by the captain and crew, but for which there could have been no necessity whilst at sea, where they could not escape: and as to keeping them *tied* in the hold, such would not have been practised even towards animals, and is not even adopted on board regular slavers: whilst, as to their being "ben trattati," I do not consider being allowed barely a "*quantum sufficit*" (to keep nature alive) of the coarsest food (as appears by the evidence was the case here) being "*ben trattati.*"

As to Mr. Pezzoli's other assertions, I can only add that he himself acknowledged to me that in no one case had any witness deviated one iota from what he had previously deposed before me; but it was evident to me, from the first moment of Mr. Pezzoli's arrival in Cephalonia, that his view, intention, and determination was to gloss over and palliate as much as he could the captain's conduct in carrying these slaves, and make it appear that the only fault attributable to the captain was his having concealed these 14 slaves on board when he gave his "costituto" at the health office.

Whilst in confutation of his remark that the evil dispositions of the French and Piedmontese passengers towards the Greeks has been the cause of all this, I may be permitted to observe, that (had not the bills of lading been sufficient) the old proprietor of the vessel, Giorgio Sacali's constantly and invariably using the term "sclavus," or "slaves," when speaking of these unfortunate beings, either to Mr. Pezzoli or to me, is, I should think, sufficient evidence to controvert Mr. Pezzoli's opinion and assertion, and triumphantly prove they were considered by all on board, what they really are—slaves; and that they *all* also considered themselves *still so*, is most satisfactorily proved by the *procès-verbal* of the 20th ultimo, which I had the honour to transmit you in my letter of the 21st same; in which letter I lay particular emphasis on the fact of three of our judges having been accidentally present at the scene of their demanding their liberty, and affixed their signatures to the document (as evidence); but in order to make the matter beyond a doubt, I have again this day taken their deposition (with the assistance of a Maltese, as interpreter, who seems to understand them very well), and from which you will clearly perceive that they were kept, considered, and treated as slaves, and that one of them got (even in this port of Argostoli) ill-treated and kicked for trying to come on deck without leave.

There is, however, one point in Mr. Pezzoli's letter to his Excellency, to which I cannot fail of calling your special attention, viz., the art with which he tries to fix the culpable irregularity of the whole transaction on the Dutch Consul, for not having inserted these slaves in the bill of health, whilst, as they were taken on board at Goletta (some distance from Tunis), after they had got their clearance from him, it is possible, and even probable, that he is at this very moment ignorant that one single soul more than he gave papers for had been received; whereas the real truth is that the whole fault and blame is to be attributed to the Mr. Gaspari, the Consular Agent at Goletta, who makes such a conspicuous figure throughout the whole business, both as Consular Agent at Goletta and as being the identical person who contracted for the freight, and afterwards embarked the 13 male black slaves, and whose paramount duty it was to have made an annotation to that effect on the back of the bill of health (certainly irregularly given by a Dutch Consul to a Greek vessel), and who ought also most certainly to have separately inserted in the same "ritocco" on the back of this same bill of health, also the names of the 13 other passengers and the black female slave, whom he embarked or permitted to embark at Goletta; but from his not doing so he gives room for suspecting that he either smuggled them away, or had some other reason for not inserting them, as before said, in the bill of health.

Besides this Mr. Pezzoli most carefully conceals from his Excellency what (in my humble opinion) gives to Mr. Gaspari's conduct in this business the worst colour under which it appears, and which I suspect is Mr. Pezzoli's reason for trying to make it appear that the blacks were NOT considered as slaves on board, and that the captain was therefore only responsible for the irregularity of his papers; a fault originating, as Mr. Pezzoli wants to show, with the Dutch Consul, notwithstanding it was clearly proved to have taken place after the vessel had left Tunis, and lay at Goletta, and when, if it was a case of omission, the fault or negligence is attributable to nobody but MR. GASPARI, and *this is* that *Mr. Gaspari* who turns out, by reference to the book of

printed regulations given by the Greek Government to its Consuls, to be either *His Hellenic Majesty's Consul*, or *Vice-Consul*, or *Consular Agent at Goletta.*

I have, &c.

(Signed) W. L. REYNOLDS,
In charge of Health Office Department.

Colonel Sutherland,
&c. &c. &c.

Sixth Enclosure in No. 59.

Depositions of the Negroes on board the Greek brig in Cephalonia.

The Inspector of the Health Office,
(Translation.) *Cephalonia, February* 25, 1841.

It being necessary to ascertain in what light the black slaves were considered whilst on board the Greek vessel, Emmanuel Russi master, the undersigned sent for them and questioned them, by means of the interpreter, Nicola Benelli, of Malta, whether they were treated as slaves on board the said vessel or as freemen during the voyage; and whether whilst on board they were entirely free and at liberty to walk about at their own pleasure, or whether they were kept bound on board; and also, whether they were brought on board bound with cords.

The negro Murgia replied:—

"We were purchased nearly three months before being embarked, and I cost 220 piastres. We were taken on board in a launch, and bound with cords, and we were unbound in order to enable us to get on board; we were then put down into the hold, from whence we were not allowed to come out, excepting for the purpose of satisfying the calls of nature, and then we were taken on deck one by one, and the hatches were only just open sufficiently to allow the necessary quantity of air to come in."

Question.—To say frankly whether, when he went to satisfy the calls of nature, he was obliged to ask permission of some one, and whether on such occasions he was watched by some one, or not?

Reply.—We were obliged to ask permission of some one, and then we were escorted by some one of the crew so long as we were upon deck; that is to say, so long as the vessel was near the shore or in harbour; and from the moment we were in sight of this island we were no longer allowed to go upon deck. Whilst we were at sea we were allowed to stay upon deck and go wherever we pleased; however, after arriving here we were no longer allowed to go upon deck during the day-time, even for the purpose of satisfying the calls of nature.

Question.—Whether whilst he was on board he had been beaten or ill-treated?

Reply.—No, sir; we were never ill-treated, excepting upon our arrival here, when we were shut down in the hold.

Deposition of the Negro Selim.

Question.—I was a slave in Tunis; I was embarked, bound, in a large boat, and carried on board the vessel, where I was unbound and put down into the hold. During the voyage we were free, that is, whilst we were at sea, but when we were near the shore then we were no longer allowed to go upon deck, excepting at night to satisfy the calls of nature; and upon our arrival in this harbour we were put down into the hold and not allowed to go out; whenever we went upon deck, when near the land, we were escorted by some of the crew.

Deposition of the Negro Ali.

Questioned as above.

Reply.—I was carried alongside from Tunis, bound; I was then unbound and embarked, and remained unbound during the voyage; that is to say, whilst out of sight of land. When we were near the shore we were no longer allowed to go upon deck, excepting at night to satisfy the calls of nature, and then under escort. After our arrival here we were no longer allowed to leave the hold, which was kept shut.

Deposition of the Negro Nassar.

Questioned as above.

Reply.—I was a slave at Tunis; I was embarked bound; once on board, and out of sight of land, we were allowed to walk about upon deck; but when we were near the land we were kept down in the hold, and only at night allowed to go upon deck to satisfy the calls of nature, one by one, and always escorted. After arriving in this harbour we were no longer allowed to go upon deck at all.

Deposition of the Negro Messaut.

Questioned as above.

Reply.—I was carried alongside the vessel, bound; I was then unbound, embarked, and placed in the hold; so long as we were at anchor, or in sight of land, we were not allowed to walk about upon deck, but when at sea we were free; when we approached the land we were only allowed at night to satisfy the calls of nature, and then one by one, and always under escort; and the moment we arrived here the captain shut us up in the hold, and no longer allowed us to go out.

Deposition of the Negro Abdallah.

Questioned as above.

Reply.—I was taken on board the Greek vessel, bound; whilst we were at anchor, or near the land, we were kept concealed in the hold, and only at night, one by one, and under escort, allowed to go upon deck to satisfy the calls of nature. On arriving here they kept us entirely down in the hold, but at sea we were allowed to walk about upon deck.

Deposition of the Negro Mahmet.

Questioned as above.

Reply.—I was carried alongside the vessel, bound; I was then unbound, taken on board, and put down into the hold; whilst we were at anchor, or near the land, we were only allowed to go upon deck at night, one by one, and under escort, to satisfy the calls of nature; at sea we were allowed to walk about; after arriving here we were no longer allowed at all to leave the hold.

Deposition of the Negro Ali.

Questioned as above.

Reply.—I was a slave in Tunis; I was taken alongside the Greek vessel, bound; I was then unbound, put on board, and placed in the hold. During the voyage, whilst out of sight of land, I was allowed to walk about whenever I liked; when we were at anchor, or near the land, we were kept shut up in the hold, and only allowed at night to go upon deck, one by one, and under escort, to satisfy the calls of nature; and after arriving here we were no longer allowed at all to quit the hold.

Deposition of the Negro Abdallah.

Questioned as above.

Reply.—I was a slave at Tunis, and was taken alongside the Greek vessel, bound; I was then unbound and taken on board, and put down into the hold; whilst out of sight of land we were allowed to walk about whenever we liked, but when at anchor, or near the land, we were only allowed at night, and one by one, and under escort, to satisfy the calls of nature; and after arriving here we were kept down in the hold entirely.

Deposition of the Negro Saïd.

Questioned as above.

Reply.—I was a slave at Tunis; as such, I was bound and carried alongside the Greek brig, and taken on board; so long as we were out of sight of land we were free, and allowed to walk about wherever we liked, but when at anchor, or near the shore, we were concealed in the hold. Upon our arrival here, wishing to leave the hold in order to satisfy the calls of nature, one of the crew would not allow me to go upon deck, and kicked me back into the hold.

Deposition of the Negro Mesfaut Berna.

Questioned as above.

Reply.—I was a slave at Tunis; I was put into a boat, bound, and carried alongside the Greek brig: I was then unbound, taken on board, and put into the hold: at sea we were allowed to walk about wherever we liked, but when we were at anchor, or near the land, they kept me, as well as the others, concealed in the hold, and only allowed us, one by one, and under escort, to go upon deck at night to satisfy the calls of nature. After our arrival they did not allow us to leave the hold at all.

Deposition of the Negro Abdallah.

Questioned as above.

Reply.—I was a slave at Tunis, and there I was taken alongside the Greek brig bound; I was then unbound, taken on board, and placed in the hold. Whilst we were at anchor or near the land we were kept in the hold, and only allowed at night, one by one, and under escort, to go upon deck to satisfy the calls of nature. At sea we were allowed to walk about wherever we pleased, and, on arriving here, we were put down into the hold and not allowed to move out.

Deposition of the Negro Zochar.

Questioned as above.

Reply.—I was a slave at Tunis; I was bound and carried alongside the Greek brig; I was then unbound, taken on board, and put into the hold. Whilst at anchor, or near the land, we were only allowed at night, one by one, to satisfy the calls of nature; at sea, however, I was permitted to walk about: after our arrival here we were all put down into the hold, and no longer allowed to go upon deck at all.

his
NICHOLAS ⋈ BENELLI.
mark.

(L. S.) (Signed) W. L. REYNOLDS,
Inspector of the Health Office.

Cephalonia, February 25, 1841.

No. 60.

Viscount Palmerston to Sir Edmund Lyons.

Foreign Office, April 15, 1841.

Circular sending Treaty with the Argentine Confederation.

(See No. 1.)

No. 61.

Viscount Palmerston to Sir Edmund Lyons.

SIR, *Foreign Office, April* 20, 1841.

I HAVE received your Despatch of the 22nd January last, enclosing a copy of the answer which the Greek Government had returned to the representation which, in pursuance of the instructions contained in my Despatch of last year, you had addressed to that Government respecting the Slave Trade which is carried on under the Greek flag.

I have to desire that, in return to the intimation which, in the above-mentioned answer, the Government of Greece have made to you of their having prepared a project of law, prohibiting the Slave Trade of Greece, you will present to that Government a note, stating that Her Majesty's Government regret that they cannot consider the mere issuing of edicts as by any means sufficient to rescue the Greek name from the reproach attaching to the prevalence of Slave Trade under the flag of Greece. But Her Majesty's Government trust that the edicts

so issued will be followed up by vigorous execution, and that an example will be made of the parties who are guilty of these disgraceful practices.

I have, &c.
(Signed) PALMERSTON.

Sir Edmund Lyons,
&c. &c. &c.

No. 62.

Viscount Palmerston to Sir Edmund Lyons.

Foreign Office, April 22, 1841.

Circular sending Convention with Hayti.

(See No. 2.)

No. 63.

Viscount Palmerston to Sir Edmund Lyons.

Foreign Office, May 11, 1841.

Circular.—Proposed Instruction to Grecian Functionaries in Slave-holding Countries on the hiring, maintaining, and purchase of Slaves.

(See No. 5.)

No. 64.

Sir E. Lyons to Viscount Palmerston.

Athens, April 13, 1841.
(*Received May* 11.)

My Lord,

In my Despatch of the 22nd ultimo I had the honour of transmitting to your Lordship copies of a Letter and its enclosures which I had addressed to M. Païcos, refuting the assertion of the Greek Vice-Consul at Corfu, that the negroes on board the Greek brig "*Miltiades*" were not treated as slaves whilst hey were under the Greek flag.

On the 25th ultimo M. Païcos replied to me in the Letter of which I have the honour to enclose a copy, and in which his Hellenic Majesty's Government approved the conduct of M. Pizzoli. I forwarded that Letter to Sir Howard Douglas, and I now do myself the honour of transmitting to your Lordship copies of his Excellency's reply and its enclosures, together with a copy of the Letter in which I enclosed copies of them to M. Païcos.

I have, &c.
(Signed) EDMUND LYONS.

The Right Hon. Viscount Palmerston, G.C.B.,
&c. &c. &c.

First Enclosure in No. 64.

M. Païcos to Sir E. Lyons.

Monsieur le Chevalier, *Athènes, ce* 13 (25), *Mars,* 1841.

J'ai eu l'honneur de recevoir votre lettre du 17 de ce mois et des pièces qui y étaient annexées, et qui se rapportent à l'affaire du brick Grec le "*Miltiades.*"

Je vous remercie pour cette communication, puisque je profiterai des détails contenus dans ses annexes, pour inviter le Vice-Consul de sa Majesté à Corfù à éclaircir encore certains faits se rattachant à l'affaire dont il s'agit, et celui de Goulette, le Sr. Gaspari, à se justifier sur la circonstance qu'il n'aurait fait aucune mention des nègres se trouvant à bord du brick le "*Miltiades.*"

Quant à M. Pezzoli, je ne pourrais pas croire qu'il ait voulu attaquer la validité des rapports officiels adressées au Lord Haut Commissaire par les officiers Anglais compétens, puisqu'il ne connaissait pas ni ne pouvait connaître ces rapports. M. Pezzoli aurait au contraire exprimé sa propre conviction, en suite de laquelle il a dû faire aussi tous ses efforts pour défendre le capitaine Grec et disculper sa conduite.

Au reste, il ne pourrait plus être donné à cette affaire aucune autre suite, si ce n'est de poursuivre le capitaine pour certaines inexactitudes que M. Pezzoli lui-même a observées dans ses papiers, attendu que la loi récemment promulguée contre la traite des esclaves ne saurait avoir un effet retroactif.

Agréez, &c.

(Signé) A. PAICOS.

Monsieur le Chevalier Ed. Lyons,
&c. &c. &c.

(Translation.)

SIR, *Athens, 13th (25th) March*, 1841.

I HAVE had the honour of receiving your Letter of the 17th instant, together with the documents annexed thereto, relative to the affair of the Greek brig "*Miltiades.*"

I thank you for that communication, and will profit by the details contained in the said documents by requesting his Majesty's Vice-Consul at Corfu to explain further certain facts connected with the affair in question, and also his Majesty's Vice-Consul at Goulette, M. Gaspari, to explain as to the circumstance of his not having mentioned in any way that there were negroes on board the brig "*Miltiades.*"

With regard to M. Pezzoli, I cannot believe he intended to doubt the validity of the official reports addressed to the Lord High Commissioner by the competent English officers, as he neither did nor could know of these reports. M. Pezzoli would, on the contrary, have expressed his own conviction, after which it was also his duty to make every effort to defend the Greek captain and to exculpate his conduct.

For the rest, no other proceedings can be had in this affair, unless the captain were to be prosecuted for certain informalities which M. Pezzoli himself noticed in his papers, supposing the law recently promulgated against the Slave Trade were not to have a retroactive effect.

Accept, &c.

(Signed) A. PAICOS.

Sir Edmund Lyons,
&c. &c.

Second Enclosure in No. 64.

Sir E. Lyons to M. Païcos.

MONSIEUR LE SECRETAIRE D'ETAT, *Athens, April* 13, 1841.

I LOST no time in communicating to Her Majesty's Lord High Commissioner in the Ionian Islands your letter to me of the 13th (25th) ultimo, approving the letter addressed to his Excellency on the 18th (30th) of January, by M. Pezzoli, His Hellenic Majesty's Vice-Consul at Corfu, relative to the African slaves on board the Greek brig "*Miltiades,*" which was driven by stress of weather into the port of Argostoli, in Cephalonia.

I have now the honour to enclose copies of his Excellency's reply and its enclosures, from which you will perceive that M. Pezzoli has permitted himself to state facts with so little regard to accuracy, that it will hereafter be impossible for the officers of the Ionian Government to transact with him even the not very important duties of a Vice-Consul in that spirit of confidence and respect which is indispensable to a proper understanding between the two Governments.

I have, &c.

(Signed) EDMUND LYONS.

Monsieur Païcos,
&c. &c.

Third Enclosure in No. 64.

Sir Howard Douglas to Sir E. Lyons.

SIR, *Corfu, April* 5, 1841.

IN reply to your Excellency's letter of the 31st of March, with its enclosures, acquainting me with the view taken by His Hellenic Majesty's Government of the matter of the negroes found secreted on board the Greek brig "*Miltiades*," I have the honour to inform your Excellency that the Greek Consul at Corfu, having submitted to me the depositions in the case taken by him, I caused them to be referred to the competent authorities in Cephalonia, and have now the honour to transmit to your Excellency a copy of the observations made upon M. Pezzoli's papers, both by the resident and functionary in charge of the Sanità Department in that island.

From these papers your Excellency will perceive that M. Pezzoli has permitted himself to state the facts with so little regard to accuracy, that it will hereafter be impossible for the officers of this Government to transact with him even the not very important duties of a Vice-Consul, in that spirit of confidence and respect which is indispensable to a proper understanding between the two Governments.

Therefore, unless I hear from your Excellency that the Greek Government, taking a proper view of the subject, shall render such a step unnecessary, it will become my duty to lay a statement of all which has taken place before the Ionian Government, submitting for their consideration the expediency of withdrawing the exequatur granted to M. Pezzoli, as his Hellenic Majesty's Vice-Consul.

I have, &c.
(Signed) HOWARD DOUGLAS.

His Excellency Sir Edmund Lyons,
&c. &c. &c.

Fourth Enclosure in No. 64.

Colonel Sutherland to Mr. Fraser.

MY DEAR SIR, *Cephalonia, March* 26, 1841.

I FEEL obliged by your attention in sending the Signor Pezzoli's last paper, herewith returned, on the subject of the slaves, for my perusal.

I showed it to Mr. Reynolds, who has furnished me with the enclosed somewhat unqualified comments on the subject, rendering unnecessary any additional observations from myself, further than that it appears rather inconsistent in the Signor Pezzoli to designate in almost all his questions his "liberi, sciolti, e ben trattati" pets as slaves.

I have, &c.
(Signed) WILLIAM SUTHERLAND.

J. Fraser, Esq.,
&c. &c.

Fifth Enclosure in No. 64.

Mr. Reynolds to Colonel Sutherland.

SIR, *Sanità, Cephalonia, March* 25, 1841.

HAVING caused the depositions taken by M. Pezzoli, the Greek Consul, relative to the fourteen black slaves found on board the vessel of Captain E. Russo, to be carefully translated for me into Italian, I have the honour to make the following observations on them:—

1st. I was not present at the regular taking down in writnig by M. Pezzoli of the depositions of all the witnesses (for I had not time to lose); I only heard him ask an occasional question, whenever I happened to go to him.

2nd. The very depositions (taken by him) of the captain, scrivano, and proprietor, all concur in proving the fact of the slaves being on board, although

the queries are put with all possible art, with a view of making it appear they were merely passengers, notwithstanding which, Mr. Pezzoli himself, in most of the queries to the other passengers, calls them in his questions "slaves."

3rd. The Greek and Turkish passengers, knowing they were to continue the rest of the voyage in the vessel, would not naturally say anything to offend the captain, whilst it is really possible they might not have seen any actual violence to the slaves, as there was no one else in the hold but them; but that they (the slaves) were kept prisoners there, all their depositions concur in proving.

4th. The barefaced distortion of truth in the last act of the depositions, where M. Pezzoli states they were brought into my office, and in my presence stated, by means of one of them (who spoke a little Greek), that they were free on board, is too glaring to be passed over in silence. They certainly were brought into my office (where, however, I cannot call to mind seeing Mr. Caruso, and in fact I am convinced he was not in the room, although he unblushingly affixes his name to the same untruth as M. Pezzoli); and they certainly were asked by M. Pezzoli, through the interpretation of a Maltese (though not one of the slaves, as M. Pezzoli states, for at that time not one of them could speak a word of Greek, notwithstanding the fertility of M. Pezzoli's invention) whether they were kept *tied* in the hold or not; and to this they answered they were left *untied*. Whereon he made the triumphant observation I quoted in my last letter on this subject, dated 26th January, 1841—"There, you see, they were *free*;" and to which I replied, as I have quoted in said letter: but M. Pezzoli most carefully keeps concealed that on this occasion they all showed *him*, as well as every one present, the marks left on their arms by being brought on board *tied slaves*, a fact they all agreed in, but of which M. Pezzoli takes no notice.

There were numerous credible witnesses present in my office on this occasion, and the man who interpreted is, I believe, still here; but had I conceived it possible that a man holding a situation of such consequence could have affixed his name to so cool and deliberate a falsehood, I should certainly have guaranteed myself by calling upon the persons present to affix their signatures to a procès verbal which I would soon have extended.

I have, &c.

(Signed) W. J. REYNOLDS,
Incaricato di Sanità.

Colonel Sutherland,
&c. &c.

No. 65.

Sir E. Lyons to Viscount Palmerston.

Athens, April 22, 1841.
(*Received May* 11.)

My Lord,

I have at length the satisfaction of transmitting to your Lordship a copy of a Letter from M. Païcos, in which he states that his Hellenic Majesty's Government has published a law against Slave Trade, and requests the co-operation of the agents of foreign Governments in places where no Greek agent resides. I have likewise the honour to transmit a copy and a translation of the law.

In my answer to M. Païcos I express in general terms satisfaction at the measure, and assure him of the co-operation of British agents; but I shall forbear to give any opinion on the law itself until I hear from your Lordship.

I have not failed to communicate to Mr. Macaulay, the United States Consul at Tripoli, who first gave me the means of taking this question up wth effect, the result of his philanthropic exertions.

I have, &c.

(Signed) EDMUND LYONS.

The Right Hon. Viscount Palmerston, G.C.B.,
&c. &c. &c.

First Enclosure in No. 65.

M. Païcos to Sir E. Lyons.

MONSIEUR LE CHEVALIER, *Athènes, ce* 2 (14) *Avril,* 1841.

LE Gouvernement du Roi vient de promulguer une loi qui confirme la sévère prohibition aux sujets Grecs de tout commerce ou transport d'esclaves (tant blancs que noirs), et prescrit d'une manière précise les peines aux quels s'exposeraient les contrevenans.

Les mesures les plus rigoureuses seront prises dans cette circonstance par les autorités du royaume et les agens du Gouvernement à l'extérieur; mais afin que leur action puisse se faire sentir, même dans les endroits où il n'y aurait pas d'autorités Grecques, une clause de cette loi autorise les Consuls et agens consulaires de toute puissance étrangère à mettre immédiatement en liberté tout esclave trouvé à bord d'un bâtiment Grec.

En vous communiquant, Monsieur le Chevalier, cette mesure, je viens vous demander de vouloir bien la porter à la connaissance de votre Gouvernement, qui s'empressera, je ne le doute pas, de prêter ainsi sa co-opération au succès d'une mesure dictée par l'humanité et la morale.

Le Gouvernement de sa Majesté désirerait en outre que dans le cas ci-dessus de l'absence d'un agent Grec, les instructions, que je vous prie de faire donner à ceux de votre Gouvernement, leur prescrivissent de prêter aussi aide et facilité aux marins qui dénonceraient des faits s'y rapportant, et de référer au Gouvernement du Roi tout cas dont ils pourraient avoir connaissance, afin de le remettre à même de sevir contre les coupables.

Agréez, &c.
(Signé) A. PAICOS.

Monsieur le Chevalier Ed. Lyons,
&c. &c. &c.

(Translation.)

SIR, *Athens,* 2 (14) *April,* 1841.

THE Government of the King has just promulgated a law which confirms the strict prohibition to Greek subjects from all trade in or transport of slaves (either white or black), and specifies in a particular manner the penalties to which its infractors would expose themselves.

The most rigorous measures will be adopted in such cases by the authorities of the kingdom, and the agents of the Government abroad; but in order that their effect may be felt even in places where there are no Greek authorities, a clause in this law authorises Consuls and consular agents of all foreign powers to set at liberty immediately any slave found on board a Greek vessel.

In acquainting you, Sir, with this measure, I request you will make it known to your Government, which I doubt not will hasten to lend in this manner its co-operation for the success of a measure dictated by humanity and morality.

His Majesty's Government are desirous, moreover, in the case above mentioned of the absence of a Greek agent, that the instructions which I beg you will recommend to be sent to those of your Government shall direct them also to render assistance to sailors who may denounce facts relative to the subject in question, and to refer to the Government of the King all cases that may come to their knowledge, in order to enable it to proceed against the guilty parties.

Accept, &c.
(Signed) A. PAICOS.

Sir Edmund Lyons,
&c. &c.

Second Enclosure in No. 65.

Traduction du Grec.

Loi contre le Commerce des Esclaves.

OTHON, &c. &c. *Athènes, le* 1 (13) *Mars,* 1841.

DANS l'intention de régler définitivement et de rendre, par une pénalité

captain shall be punished with imprisonment from three to five years, and the sailors with imprisonment from six months to two years.

The owner of the vessel, if the transport of slaves took place with his knowledge, shall undergo the same punishment as the captain. The individuals of the crew who shall denounce the transport to the proper authorities in the terms and within the time stated in the preceding Article, shall be exempt from all punishment, and shall have a right to the advantages mentioned in that Article.

7. The crimes and offences committed against the slaves on board ship shall be punished according to the terms of the penal law.

8. The Consuls, Vice-Consuls, and Consular Agents of Greece are considered, in respect to the execution of the present law, as juges instructeurs, and shall have the right of commencing and pursuing the investigation without requiring the previous order from the Attorney-General.

9. The authority to whom the trade in or transport of slaves shall be denounced, or who shall have cognizance thereof by any other means, shall be bound if he be a Greek authority, and shall have the right if he be a foreign authority, to set the slaves immediately at liberty.

10. Our Ministers of Justice and Marine are charged with the publication and execution of the present law.

(Signed) OTHO.
KRIEZIS.
PAICOS.
THEOCHARIS.
TISSAMENOS.
HESS.

Fourth Enclosure in No. 65.

Sir E. Lyons to M. Païcos.

MONSIEUR LE SECRETAIRE D'ETAT, *Athens, April* 22, 1841.

I HAVE already had the satisfaction of forwarding to Viscount Palmerston a copy of the letter of the 14th instant, in which you do me the honour of informing me that His Hellenic Majesty's Government has published a law against the Slave Trade; and I will avail myself of the earliest opportunity which may offer, for engaging, in compliance with your request, the co-operation of the agents of the British Government in those places where no Greek agent resides.

I have, &c.
(Signed) EDMUND LYONS.

Monsieur Païcos,
&c. &c.

No. 66.

Sir E. Lyons to Viscount Palmerston.

Athens, May 10, 1841.
(*Received June* 8.)

MY LORD,

I HAVE the honour to enclose a copy of a Letter, in which, in obedience to your Lordship's Despatch of the 19th of March, I transmitted to M. Païcos copies of the documents relating to the discovery of slaves on board the Greek brig "*Miltiades*" at Cephalonia, and expressed to him the confident hope of Her Majesty's Government, that the Greek Government would, for its own honour, punish the guilty parties, and take the most effectual measures for preserving the Greek flag from the disgrace of being made subservient to Slave Trade.

I further stated to M. Païcos, in the same letter, that as His Hellenic Majesty's Government had since published a law prohibiting Slave Trade, I should have considered myself justified in abstaining from making this communication, had not the circumstances relating to the conduct of M. Pizzoli, the Greek Vice-Consul at Corfu, rendered it important that His Hellenic Majesty's Government should be in possession of the documents referred to.

M. Païcos has not acknowledged the receipt of this letter, but in reply to my letter of the 13th of April, stating that the withdrawal of M. Pizzoli's exequatur was contemplated at Corfu, he informs me, in a letter of which I have the honour to enclose a copy, that M. Pizzoli has obtained leave of absence to come to Greece, and that the Government will inquire into the affair.

I have, &c.
(Signed) EDMUND LYONS.

The Right Hon. Viscount Palmerston, G.C.B.,
&c. &c. &c.

First Enclosure in No. 66.

Sir E. Lyons to M. Païcos.

MONSIEUR LE SECRETAIRE D'ETAT, *Athens, April* 28, 1841.

HER MAJESTY'S Lord High Commissioner in the Ionian Islands having transmitted to Her Majesty's Government copies of the documents relating to the discovery of slaves on board the Greek brig "*Miltiades*," at Cephalonia, I was instructed by Viscount Palmerston, Her Majesty's Principal Secretary of State for Foreign Affairs, in a Despatch dated the 19th of March, to communicate these papers to the Greek Government, and at the same time to express the confident hope of Her Majesty's Government, that His Hellenic Majesty's Government would, for its own honour, punish the guilty parties, and take the most effectual measures for preserving the Greek flag from the disgrace of being made subservient to Slave Trade.

As, however, His Hellenic Majesty's Government has published a law prohibiting the Slave Trade, I should have considered myself justified in abstaining from making this communication, had not the subsequent conduct of the Greek Vice-Consul at Corfu rendered it important that His Hellenic Majesty's Government should be in possession of the papers referred to.

I have now the honour to transmit them to you, Monsieur le Secrétaire d'Etat, and to request you to retain them as long as they can be of any use, and afterwards to return them to me.

I have, &c.
(Signed) EDMUND LYONS.

Monsieur Paicos,
&c. &c.

Second Enclosure in No. 66.

M. Païcos to Sir E. Lyons.

MONSIEUR LE CHEVALIER, *Athènes, le* 18 (30) *Avril*, 1841.

J'AI eu l'honneur de recevoir votre Lettre d'office en date du 13 de ce mois, ainsi que les pièces y annexées. Le Gouvernement du Roi se fera un devoir d'examiner la conduite de M. Pizzoli par rapport à l'affaire du brick "*le Miltiade*," et comme il va se rendre bientôt en Grèce en vertu d'un congé qu'il a obtenu à cet effet depuis quelque tems, les autorités Ioniennes ne seront pas en attendant en rélation avec M. Pizzoli pendant l'absence de ce fonctionnaire de son poste.

Agréez, &c.
(Signé) A. PAICOS.

Monsieur le Chevalier Edmund Lyons,
&c. &c. &c.

(Translation.)

SIR, *Athens*, 18*th* (30*th*) *April*, 1841.

I HAVE had the honour to receive your Letter of the 13th instant, together with the documents annexed to it. The Government of the King will

make a point of investigating the conduct of M. Pezzoli relative to the affair of the brig "*Miltiades*," and as he will soon be in Greece upon leave that he obtained for the purpose some time since, the Ionian authorities will not, in the mean time, communicate with M. Pezzoli during the absence of that functionary from his post.

Accept, &c.

(Signed) A. PAICOS.

Sir Edmund Lyons,
&c. &c.

No. 67.

Viscount Palmerston to Sir E. Lyons.

SIR, *Foreign Office, June* 10, 1841.

I HAVE received your Despatch of the 22nd of April, 1841, transmitting a Copy and Translation of a law recently published in Greece against Slave Trade; and a copy of a Note from the Greek Minister, expressing the hope of the Greek Government that British Agents will be instructed to render their assistance for furthering the execution of that law. And I have to desire that, in reply, you will express to the Government of the King of Greece the hope of Her Majesty's Government that this law will be faithfully executed; and that you will instruct all British Consular Agents in Greece to give their best assistance towards carrying it into effect.

I am, &c.

(Signed) PALMERSTON.

Sir Edmund Lyons,
&c. &c.

No. 68.

M. Tricoupi to Viscount Palmerston.

16, *Park Square East, ce* 7 (19) *Juin,* 1841.

MY LORD, (*Received June* 21.)

D'APRES les instructions qui m'ont été adressées d'Athènes, je me fais un devoir de transmettre ci-joint à votre Excellence copie d'une loi promulguée dans le mois de Mars dernier en Grèce, qui confirme la prohibition de la traite des noirs, et inflige des peines à ceux des marins Grecs qui se livreraient à ce trafic infamant.

Le concours des autorités étrangères étant reclamé par les articles 4 et 9 de cette loi, en cas d'absence de Consuls Helléniques, je prie votre Excellence de vouloir bien faire prendre par qui de droit les mesures nécessaires, afin que les vues philantropiques du Gouvernement du Roi puissent être convenablement secondées.

Je saisis, &c.

(Signé) S. TRICOUPI.

A *son Excellence Lord Palmerston,*
&c. &c. &c.

(Translation.)

MY LORD,

ACCORDING to instructions which have been addressed to me from Athens, I transmit herewith to your Excellency a copy of a law promulgated in Greece in the month of March last, which confirms the prohibition of the Slave Trade, and inflicts punishment on those Greek mariners who shall engage in this degrading traffic.

The assistance of foreign authorities being asked by the 4th and 9th articles of this law, in case of the absence of the Greek Consuls, I beg your Excellency to cause the proper persons to take the necessary measures, in order that

the philanthropic measures of His Majesty's Government may be properly seconded.

I take, &c.,
(Signed) S. TRICOUPI.

The Right Hon. Viscount Palmerston, G.C.B.,
&c. &c. &c.

Enclosure in No. 68.

Law of the 1 (13) March, 1841.

(See page 49.)

No. 69.

Sir E. Lyons to Viscount Palmerston.

Athens, June 8, 1841.
(*Received July* 5.)

MY LORD,

I HAVE the honour to transmit to your Lordship a copy of a letter which I have addressed to M. Païcos, in obedience to the instructions contained in your Lordship's Despatch of April 20, 1841, expressing the hope of Her Majesty's Government that the Greek Government would follow up the edicts it proposed to issue against Slave Trade by vigorous execution, and make an example of the parties guilty of such disgraceful practices.

I have also the honour to transmit to your Lordship a copy of a note, in which, in obedience to the instructions contained in your Lordship's Despatch of the 11th ultimo, I have sent to M. Païcos a copy of the Circular addressed by your Lordship to British functionaries in slave-holding countries, on the impropriety of their being concerned in holding or dealing in slaves, and have suggested the propriety of similar instructions being given to Greek functionaries in those countries.

I have, &c.,
(Signed) EDMUND LYONS.

The Right Hon. Viscount Palmerston, G.C.B.,
&c. &c. &c.

First Enclosure in No. 69.

Sir E. Lyons to M. Païcos.

Athens, June 7, 1841.

MONSIEUR LE SECRETAIRE D'ETAT,

HER MAJESTY'S Government have had under their consideration the answer which you did me the honour, on the 21st of January last, to return to the representations which I had addressed to you, by order of Her Majesty's Government, respecting the Slave Trade carried on under the Greek flag; and in reply to the intimation contained in the above-mentioned answer that His Hellenic Majesty's Government had prepared a project of law, prohibiting the Slave Trade of Greece, I am instructed by Viscount Palmerston to state that Her Majesty's Government regret that they cannot consider the mere issuing of edicts as by any means sufficient to rescue the Greek name from the reproach attaching to the prevalence of Slave Trade under the flag of Greece, but that Her Majesty's Government trust that the edicts so issued will be followed up by vigorous execution, and that an example will be made of the parties who are guilty of these disgraceful practices.

I have, &c.,
(Signed) EDMUND LYONS.

Monsieur Païcos,
&c. &c.

Second Enclosure in No. 69.

Sir E. Lyons to M. Païcos.

MONSIEUR LE SECRETAIRE D'ETAT, *Athens, June* 8, 1841.

HER MAJESTY'S Government has been informed that persons appointed by European Governments to reside as Ministers, or Consuls, or agents in slave-holding countries, are sometimes in the habit of hiring and maintaining slaves, and of engaging in undertakings in which slave property is concerned.

As by such practices the functionaries in question give an indirect sanction to slavery, and appear to countenance measures which tend to create a demand for slaves, Her Majesty's Government has addressed to all British functionaries in slave-holding countries the circular letter, of which, with its enclosure, I do myself the honour to transmit to you copies herewith; and as Her Majesty's Government think it very important that the opinion of the Greek Government should be expressed upon this subject in such a manner as to afford additional discouragement to the Slave Trade, Her Majesty's Government think that much good would be effected in this respect if the Greek Government would address to its agents in slave-holding countries instructions similar to those contained in the enclosed circular; and I have, therefore, the honour, in obedience to instructions from Viscount Palmerston, Her Majesty's Principal Secretary of State for Foreign Affairs, to address this note to the Greek Government, for the purpose of engaging them to do so.

I have, &c.

Monsieur Paicos, (Signed) EDMUND LYONS.
&c. &c.

No. 70.

Viscount Palmerston to M. Tricoupi.

SIR, *Foreign Office, July* 7, 1841.

I HAVE received your letter of the 19th ultimo, enclosing a translation of a law promulgated by the Greek Government against the Slave Trade, and requesting that British agents may be instructed to assist in carrying it into effect; and I have, in reply, to acquaint you that Her Majesty's Consuls in the Mediterranean Seas and throughout the Levant will be instructed to give their best assistance for this purpose.

I am, &c.

Monsieur Tricoupi, (Signed) PALMERSTON.
&c. &c.

No. 71.

Sir E. Lyons to Viscount Palmerston.

Athens, June 12, 1841.

MY LORD, (*Received August* 9.)

WITH reference to my Despatches of this year, dated the 22nd of March and the 10th of May, I have the honour to transmit to your Lordship a copy of a letter from M. Païcos to me, as well as a copy of a letter enclosed in it, in which M. Pezzoli, the Greek Vice-Consul at Corfu, explains the assertions relative to the treatment of the negroes on board the Greek brig "*Miltiades*," which had given offence to the Ionian authorities.

I have also the honour to transmit a copy of a letter, in which I informed M. Païcos, that, as M. Pezzoli had also addressed a communication to the Lord High Commissioner's secretary, declaring that he had no intention to offend the authorities in Cephalonia, or to impugn the correctness of their statements, I was authorised to state that the Ionian Government had no desire to pursue the matter further.

I have, &c.

(Signed) EDMUND LYONS.

The Right Hon. Viscount Palmerston, G.C.B.,
&c. &c. &c.

First Enclosure in No. 71.

M. Païcos to Sir E. Lyons.

MONSIEUR LE CHEVALIER, *Athènes, ce* 10 (22) *Mai*, 1841.

J'AI eû l'honneur de vous annoncer par ma lettre en date du 18 (30) Avril que le Vice-Consul du Roi à Corfu, M. Pezzoli, devait bientôt se rendre à Athènes en vertu d'un congé qui lui avait été accordé, et que le Ministère aurait ainsi l'occasion de l'appeler à donner, autant verbalement que par écrit, tous les éclaircissemens nécessaires sur la circonstance qui a pû donner lieu à quelquemécontentement contre lui de la part des autorités Ioniennes.

A son arrivé à Athènes, M. Pezzoli a appris avec surprise que sa conduite dans l'affaire du " *Miltiade* " avait pû être mal interprétée, et s'est empressé de déclarer qu'il n'a jamais été dans son intention de mettre en doute l'exactitude et la véracité des rapports du resident de Sa Majesté Britannique à Cephalonie.

J'ai l'honneur de vous communiquer ci-joint copie de la lettre que M. Pezzoli vient de m'adresser à ce sujet, et je suis persuadé que les explications qu'elle contient sont de nature à éclaircir tout mal-entendu et à faire disparaître en effet tout sujet de mécontentement de la part des autorités Ioniennes envers ce fonctionnaire.

Agréez, &c.
(Signé) A. PAICOS.

Monsieur le Chevalier Edmund Lyons,
&c. &c.. &c.

(Translation.)

SIR, *Athens, May* 10 (22), 1841.

I HAD the honour to acquaint you in my Letter of the 18th (30th) of April, that His Majesty's Vice-Consul at Corfu, M. Pezzoli, was expected soon at Athens, upon leave which had been granted him, and that the Government would then take occasion to call upon him to give, both verbally and in writing, every necessary explanation as to the circumstance that can have occasioned dissatisfaction towards him on the part of the Ionian authorities.

On his arrival at Athens, M. Pezzoli learnt, with surprise, that his conduct in the affair of the " *Miltiades* " had been misconstrued, and hastened to declare that it had never been his intention to cast a doubt upon the correctness or truth of the reports of Her Britannic Majesty's Resident at Cephalonia.

I have the honour to send herewith a copy of the letter which M. Pezzoli has just addressed to me on the subject, and I am persuaded that the explanations it contains are such as to clear up all misunderstanding, and to dispel, in fact, all subject of dissatisfaction on the part of the Ionian authorities towards this functionary.

Accept, &c.
(Signed) A. PAICOS.

Sir Edmund Lyons,
&c. &c.

Second Enclosure in No. 71.

M. Pezzoli to M. Païcos.

MONSEIGNEUR, *Athènes, ce* 3 (15) *Mai*, 1841.

EN réponse à la Dépêche ministérielle en date de ce jour, par laquelle je suis invité à m'expliquer clairement sur les expressions de ma lettre du 18 (30) Janvier passé, à l'égard des nègres trouvés à bord du brick Grec "*Miltiade,*" et pour lesquelles le Gouvernement Ionien a manifesté son mécontentement, je déclare positivement que dans tout le contenu de la lettre susmentionnée, il n'y a eu de ma part la moindre intention ni de mettre en doute l'exactitude et la véracité des rapports de l'honorable Résident de Cephalonie, des autres autorités de cette île, dans la circonstance dont elle concerne, ni

celle de detourner d'aucune manière la vérité. D'ailleurs les examens faits aux passagers qui se trouvaient à bord du brick, confirmés par moi, expliquent les faits assez clairement pour rendre impossible même le voulant de les couvrir en leur donnant un différent aspect. Par les expressions qui se trouvent dans ma dite lettre, "*liberi, sciolti, e ben trattati*," j'ai entendu expliquer que les nègres, du moment où ils se trouvèrent à bord du brick "*Miltiade*" ne furent point tenus en chaîne et battus durant la traversée, ainsi qu'il avait été d'abord déclaré le contraire par deux passagers Français embarqués à Tunis, qui avaient eu querelle avec le propriétaire du navire pendant le voyage, et que les dépositions des autres passagers, au nombre de 25 ou 30, ont ensuite désavoués: l'expression "*ben trattati*" est rélative à leur condition. Je n'ai non plus eu l'intention de couvrir la conduite condamnable du capitaine. La faute grave de s'être prêté au transport d'esclaves était assez évidemment prouvée par les dites déclarations, et la plainte que j'ai portée contre lui au royal Ministère justifie ma conduite à l'égard des infractions qu'il avait commises aux lois maritimes.

Je déclare en outre positivement que dans toutes mes demarches je n'ai point eu la moindre idée d'offenser la délicatesse des autorités Ioniennes, pour lesquelles je professe toute l'estime et le respect bien mérités, et il m'est bien penible d'apprendre que l'on ait pu donner lieu à des doutes sur mes sentimens à leur égard; et même pour en mieux donner toute l'assurance je me propose de faire parvenir de ma part aussi directement à son Excellence le Lord Haut Commissaire, mes explications en adressant à l'Honorable M. Fraser, secrétaire de son Excellence, la lettre dont j'ai l'honneur de soumettre ci-jointe copie à votre Excellence.

Dans l'espoir que les explications que je viens de soumettre à votre Excellence seront suffisantes pour éclaircir tout mal-entendu, et pour faire disparaître tout sujet de mécontentement de la part des autorités Ioniennes, ce que je désire bien sincèrement,

Je suis, &c.

(Signé) V. PEZZOLI, *Vice-Consul.*

Son Excellence Monsieur A. Païcos,
&c. &c. &c.

(Translation.)

My Lord, *Athens, May* 3 (15), 1841.

In reply to a ministerial Despatch dated yesterday, by which I am called upon to explain clearly the expressions contained in my letter of the 18th (30th) of January, on the subject of the negroes found on board the Greek brig "*Miltiades,*" and respecting which the Ionian Government has stated its dissatisfaction, I positively declare that, in the whole contents of the above-mentioned letter, I had not the least intention either to throw a doubt upon the exactness or veracity of the reports of the honourable Resident of Cephalonia, and the other authorities of that island, as to the circumstance to which it relates, or to disguise the truth in any manner whatever. Moreover, the examinations of the passengers who were on board the brig, and which were confirmed by me, explain the facts with sufficient clearness to prevent even a desire to conceal them by giving them a different aspect. By the expressions in my before-mentioned letter, viz., "*liberi, sciolti, e ben trattati*," I meant to say that the negroes, from the moment they were on board the brig "*Miltiades,*" were not kept in chains and flogged on the passage, as the contrary had been declared by two French passengers who embarked at Tunis, and had quarrelled with the owner of the vessel on the voyage, which depositions the other passengers, to the number of 25 or 30, afterwards disavowed: the expression "*ben trattati*" is relative to their condition. Neither was it my intention to conceal the culpable conduct of the captain. The serious charge of assisting in the transport of slaves was sufficiently proved by the said declarations; and the complaint I made against him to the Government will justify my conduct as to the infractions he had committed of the maritime laws.

I moreover positively declare, that in all my dealings I have never had the least idea of offending the delicacy of the Ionian authorities, for whom I profess all the esteem and respect they well deserve, and it is very painful to me

learn that any doubts should have arisen as to my sentiments on this point; and in order to make the matter still more certain, I propose moreover to send direct to his Excellency the Lord High Commissioner my explanations in a letter to the Honourable Mr. Fraser, his Excellency's secretary, of which I have the honour to submit herewith a copy to your Excellency.

In the hope that the explanations I now submit to your Excellency will suffice to explain away all misunderstandings, and to dispel all cause of dissatisfaction on the part of the Ionian authorities, which I most sincerely desire,

I have, &c.,
(Signed) V. PEZZOLI, *Vice-Consul.*

His Excellency Monsieur A. Païcos,
&c. &c. &c.

Third Enclosure in No. 71.

Sir E. Lyons to M. Païcos.

MONSIEUR LE SECRETAIRE D'ETAT, *Athens, June* 11, 1841.

I LOST no time in forwarding to Her Majesty's Lord High Commissioner in the Ionian Islands, copies of the Letter which you did me the honour to address to me on the 22nd ultimo, and of the Letter enclosed in it, in which Mr. Pizzoli explains the assertion relative to the treatment of the negroes on board the Greek brig "*Miltiades*," which had given offence to the Ionian authorities.

The Lord High Commissioner states to me in reply, that as Mr. Pizzoli has likewise addressed a communication to his Excellency's secretary, declaring that he had no intention to offend the authorities in Cephalonia, or to impugn the correctness of their statements, the Ionian Government has no desire to pursue the matter further.

I have, &c.
(Signed) EDMUND LYONS.

Monsieur Païcos,
&c. &c.

No. 72.

Sir E. Lyons to Viscount Palmerston.

Athens, June 19, 1841.
MY LORD, (*Received August* 9.)

I HAVE the honour to enclose to your Lordship a copy of the answer of M. Païcos to the Note dated on the 8th instant, in which, in obedience to the instruction contained in your Lordship's Despatch of the 11th ultimo, I invited the Greek Government to issue instructions to Greek functionaries in slave-holding countries similar to those contained in the Circular addressed by your Lordship to British functionaries in those countries.

I have, &c.
(Signed) EDMUND LYONS.

The Right Hon. Viscount Palmerston, G.C.B.,
&c. &c. &c.

Enclosure in No. 72.

M. Païcos to Sir E. Lyons.

MONSIEUR LE CHEVALIER, *Athènes, ce* 6 (18) *Juin,* 1841.

J'AI eu l'honneur de recevoir la Lettre d'office que vous m'avez écrite en date du 8 Juin, N. S., pour me communiquer copie de la Circulaire que le Gouvernement de Sa Majesté Britannique a cru convenable d'adresser à quelques uns de ses employés rélativement à la question de l'esclavage, et pour engager celui du Roi à agir de la sorte.

En vous remerciant de cette communication, je suis bien aise de pouvoir en même tems vous assurer, Monsieur le Chevalier, que non seulement le Gouverne-

ment Royal a déjà émis, concernant la prohibition de l'esclavage, une loi, portant une forte sanction pénale, mais il a déjà appelé, par une Circulaire, toute l'attention de ses fonctionnaires à l'étranger.

Agréez, &c.
(Signé) A. PAICOS.

Monsieur le Chevalier Edmund Lyons,
&c. &c. &c.

(Translation.)

SIR, *Athens,* 6 (18) *June,* 1841.

I HAVE had the honour to receive the Official Letter which you addressed to me on the 8th of June, N. S., in order to communicate to me a copy of the Circular, which Her Britannic Majesty's Government has thought proper to address to some of its employés, relative to the question of slavery, and to induce that of my Sovereign to do the like.

In thanking you for that communication I am very glad to be able at the same time to assure you, that not only has the Royal Government passed a law concerning the prohibition of slavery, which is subject to a heavy penalty, but has already, by means of a Circular, called all the attention of its functionaries abroad to the subject.

Accept, &c.
(Signed) A. PAICOS.

Sir Edmund Lyons,
&c. &c.

No. 73.

Sir E. Lyons to Viscount Palmerston.

MY LORD, *Athens, August* 13, 1841.

I HAD the honour to receive your Lordship's Despatch of the 10th of June on the 8th instant, and in obedience to the instructions contained in it, I have addressed a Note to the Greek Government (a copy of which is enclosed) expressing the hope of Her Majesty's Government, that the law lately published in Greece against Slave Trade will be faithfully executed, and I have desired all British Consular Agents in this country to give their best assistance towards carrying it into effect.

I have the honour to transmit to your Lordship herewith No. 26 of the Government newspaper, which contains a Circular on this subject, issued by the Departments of Justice and of the Marine.

I have, &c.
(Signed) EDMUND LYONS.

The Right Hon. Viscount Palmerston, G.C.B.,
&c. &c. &c.

First Enclosure in No. 73.

Sir E. Lyons to M. Mavrocordato.

Athens, August 13, 1841.

MONSIEUR LE PESIDENT,

HER MAJESTY'S Government having had under their consideration the law lately published in Greece against Slave Trade, as well as M. Païcos' Letter to me of the 24th of April, expressing the hope of His Hellenic Majesty's Government that British agents would be instructed to render their assistance for furthering the execution of it, I am desired to express to the Government of the King of Greece the hope of Her Majesty's Government that the law will be faithfully executed, and also to instruct all British Consular Agents in Greece to give their best assistance towards carrying it into effect.

I have, &c.
(Signed) EDMUND LYONS.

His Excellency Monsieur A. Mavrocordato,
&c. &c. &c.

Second Enclosure in No. 73.

Instructions aux Marins, explicatoires de la loi sur la Traite ou Commerce des Esclaves.

Ministères de la Justice et de la Marine,
Athènes, le 18 (30) *Juillet,* 1841.

QUOIQUE, par la déclaration qui proclame libre tout homme qui foule le sol Hellénique, l'esclavage se trouve aboli dans le royaume, et quoique le commerce des esclaves y ait été interdit, il a existé jusque dans ces derniers tems les hommes qui, en vue d'un gain sordide, et au mépris des sentimens les plus honorables, se sont livrés au trafic de la trait: le Gouvernement, voulant anéantir définitivement ce honteux commerce, a rendu la loi du 1er (13) Mars, 1841, qui condamne non seulement quiconque prendra part à la traite, mais encore quiconque aidera par son concours au transport des esclaves d'un pays à un autre, à des peines proportionnées à sa culpabilité; voulant ainsi contraindre, par une pénalité expresse, tous ceux qu'une simple interdiction n'y a pas décidé à abandonner cet inhumain trafic. L'intention de cette loi, qui a été publiée par le N° 7 dujournal officiel de cette année, est:

1°. D'éloigner tout sujet Hellénique de prendre une part quelconque à la Traite ou commerce des esclaves.

2°. Attendu que la traite s'opère habituellement au moyen du transport par mer des esclaves d'un pays à un autre où l'esclavage est toléré, d'empêcher tout navire Grec de s'employer à ce transport.

3°. Attendu qu'en outre le simple transport d'esclaves non destinés a être revendus, mais seulement à appartenir à un autre maître, concourt aussi à la perpétuation de l'esclavage, cette loi a voulu aussi interdire ce transport aux navires Grecs.

La loi punit non seulement l'acte accompli de la traite c'est à dire l'achat, la vente, ou le transport des esclaves, mais encore le fait seul de leur réception à bord des navires. Ainsi tout capitaine, qui sans y être contraint par des circonstances indépendantes de la volonté, consentira à recevoir à son bord, pour les transporter ailleurs, des hommes destinés à l'esclavage, sera puni comme le marchand même, sauf que les peines seront plus légères à son égard.

La loi punit tout sujet Hellénique selon le degré de complicité dont il sera reconnu coupable, dans l'un des cas sus-mentionnés. Mais elle concerne surtout les navires et les marins, attendu qu'ils sont les organes ordinaires de la traite et du transport des esclaves. Le capitaine, le propriétaire, et jusqu'au dernier homme de l'équipage d'un navire, en tant qu'ayant volontairement contribué à la traite, sont punis par les travaux forcés, l'emprisonnement, et l'amende. Quant aux capitaines et propriétaires de navires, ils sont en outre privés à perpétuité du droit de commander un navire. Toutefois la législature, sévère à l'égard de ceux qui ont persisté dans la contravention à la loi, se montre indulgent à l'égard de ceux qui, momentanément entraînes, se sont repentis à tems, et ont par suite de leur repentir empêché l'accomplissement de l'acte de la traite. Le capitaine seul, en tant que plus capable que les autres d'apprécier la gravité de l'acte qu'il accomplit, n'a pas droit à cette indulgence. Aussi doit il non seulement refuser de prendre aucune part à la traite, mais encore en éloigner tous ceux qui servent sous ses ordres. Tous les autres individus fesant partie el' équipage sont admissibles à reclamer l'indulgence de la loi pour s'être repentis à tems, circonstance que la loi détermine de la manière suivante:—

1°. Toutes les fois qu'avant le départ du port où le navire aura embarqué les esclaves ou aura conclu pour leur embarquement, on aura dénoncé ce dont on aura eu connaissance au sujet de la traite à l'autorité consulaire Hellénique.

Si dans le pays ne se trouve point d'autorité consulaire Hellénique, cette dénonciation a la même valeur ayant été faite au consulat d'une autre puissance reprouvant aussi le commerce de la traite, particulièrement aux consulats d'Angleterre, de France, de Russi, d'Autriche, de Prusse, et des Etats-Unis d'Amérique.

2°. Quand, n'ayant pu, par suite d'un empêchement supérieur, faire la dénonciation dans le port de départ, l'aura faite au commandant du bâtiment de guerre qui visitera le premier le navire portant les esclaves.

3°. Quand il n'aura pas été possible de faire la dénonciation dans le port de départ, et qu'aucune visite par un bâtiment de guerre n'aura eu lieu pendant le trajet, elle pourra être faite aux autorités consulaires du premier port où le navire fesant la traite touchera.

Si la dénonciation n'a lieu qu'après le debarquement des esclaves, le denonciateur évite aussi les poursuites, en tant qu'il n'est pas prouvé qu'il aurait pu dénoncer avant le débarquement et qu'il a négligé de le faire.

Ceux qui feront les dénonciations à tems, et selon les circonstances ci-dessus mentionnées, non seulment seront libérés de toute poursuite, mais jouiront encore des avantages suivans :

Leurs obligations envers le capitaine cessent d'être en vigueur, et ils ne sont point tenus de servir à son bord jusqu'au terme de leur engagement, en outre ils conservent le droit de recevoir, non seulement leur solde tout entière, comme si le voyage était fini, mais encore les moyens de rentrer en Grèce, s'ils se trouvent à l'etranger quand ils dénonceront la traite.

Le refus des capitaines à se conformer à ces obligations n'est pas à craindre. Les Consuls, qui sont obliges par la loi à fournir aux marins tout concours et toute protection, seront toujours prêts à accorder aide à quiconque le réclamera d'eux, et à s'occuper activement de l'exécution des volontés de la loi.

La loi, ainsi qu'il a été dit plus haut, interdit et punit, non seulement le commerce de la traite, mais encore le simple transport des esclaves; et dans ce second cas admet aussi le repentir, et concède la même impunité et les mêmes avantages que dans le premier cas aux dénonciateurs du fait de transport d'esclaves. Le tems, le mode, et toutes les circonstances de la dénonciation sont les mêmes ici que lorsqu'il s'agit de la traite proprement dite.

Tel est le but et telles sont les dispositions de la loi qui interdit le commerce des esclaves. Est condamné et puni toute part prise soit à l'achat, soit à la vente des esclaves, ainsi que tout transport d'esclaves effectué par des navires Grecs, soit en vue d'un gain, soit en vue de favoriser le maintien de l'esclavage.

Dans un cas seulement le transport des esclaves demeure impuni, c'est quand il a pour but leur mise en liberté, ainsi que l'exprime l'article 6 de la loi. Mais dans le cas où un capitaine aura acheté ou embarqué des esclaves à son bord, dans l'intention de les affranchir, il ne suffit pas qu'il allègue cette intention, pour éviter les poursuites ; si son navire est trouvé portant des esclaves, il est tenu selon la loi de prouver que tel était réellement son but.

La déposition et l'aveu de ceux qui transportent les esclaves peuvent en certains cas servir de preuves, mais la plus certaine de toutes les mesures à prendre pour éviter les poursuites est :

1°. Que le capitaine informe de son projet, et avant sou départ l'autorité consulaire dans le port où il opérera l'embarquement des esclaves, et qu'il en reçoive une copie officielle de sa déclaration, qu'il possédera à son bord pour sa justification.

2°. Qu'il reçoive de l'autorité locale du lieu où il mettra les esclaves en liberté, ou, si c'est en pays étranger, de l'autorité consulaire, un certificat de l'accomplissement de cet acte philanthropique. C'est ainsi qu'il peut éviter le danger d'être poursuivi, danger d'autant plus imminent que, selon l'esprit de la loi, le seul fait de la présence des esclaves dans un navire est un motif suffisant de poursuites, qui ne se dégage de son caractère criminel que lorsque le prevenu peut prouver sa bonne intention.

L. MELAS, *le Ministre de la Justice.*
KRIESIS, *le Ministre de la Marine.*

(Translation.)

Instructions to Shipmasters and others, explanatory of the Law against Slave Trade.

Departments of Justice and Marine,
Athens, 18th (30) *July,* 1841.

ALTHOUGH slavery is abolished throughout the kingdom by the declaration which proclaims every man who touches Grecian soil to be free, and although the trade in slaves is interdicted, there have been found men up to the latest period, who, tempted by sordid gain, and in contempt of the most honourable

sentiments, have abandoned themselves to the pursuit of that trade. The Government, desirous of completely abolishing this disgraceful traffic, has passed the law of the 1st (13th) March, 1841, which condemns not only all who engage in the trade, but, moreover, all who may give assistance in the transport of slaves from one country to another, to penalties proportioned to their culpability; wishing thus to compel, by an express penalty, those who, by a simple interdiction, had not been decided to abandon this inhuman traffic. The intention of this law, which was published in No. 7 of the Official Journal of this year, is:—

1st. To deter all Greek subjects from engaging in any manner whatever in the Slave Trade.

2nd. Considering that the trade is commonly carried on by means of the transport by sea of slaves from one country to another where slavery is tolerated, to prevent all Greek vessels from engaging in such transport.

3rd. Considering, moreover, that the simple transport of slaves, not destined to be resold, but only to belong to another master, tends also to the perpetuation of slavery, this law is intended likewise to interdict such transport in Greek vessels.

The law punishes not only the actual fact of slave trading, that is to say, the purchase, sale, or transport of slaves, but also the simple fact of their reception on board ship. Moreover, any captain who, without being compelled by circumstances independent of will, shall consent to receive on board his vessel, for transport, persons destined for slavery, will be punished as well as the dealer himself, excepting that the penalties in his case will be lighter.

The law punishes all Greek subjects according to the degree of complicity of which they shall be found to be guilty, in any of the cases above-mentioned. But it applies above all to shipping and crews of vessels, as being the usual organs of the Slave Trade and of the transport of slaves. The captain, the owner, and even the lowest man of the crew of a ship, having voluntarily assisted in the trade, will be punished by forced labour, imprisonment, and fine. As regards the captains and owners of vessels, they will be, moreover, deprived for ever of the right of commanding a vessel. Nevertheless the legislature, severe against those who have persisted in the contravention of the law, is indulgent to such as, momentarily carried away, have repented betimes, and, in consequence of their repentance, have prevented the accomplishment of the act of slave trading. The captain only, as being more capable than the others of judging of the gravity of the act he commits, has no right to such indulgence. Moreover, he should not only refuse to engage in any way in the trade, but should likewise deter all who serve under his orders. All the other individuals forming part of the crew have a claim upon the indulgence of the law, if repenting in time, a circumstance which the law determines in the following manner:—

1st. Whenever previously to the departure from a port where the vessel shall have embarked slaves, or shall have engaged to embark them, they shall denounce whatever they know relative to the trade, to the Greek consular authority.

In case there be no Greek consular authority in the country, such denunciation will be of equal value if made to the Consulate of any other power by which the Slave Trade is reprobated, particularly those of England, France, Russia, Austria, Prussia, and the United States of America.

2nd. Whenever, it having been impossible, owing to difficulties interposed by superiors, to make the denunciation at the port of departure, it shall have been made to the commander of the vessel of war who shall first visit the vessel carrying slaves.

3rd. Whenever it shall not have been possible to make the denunciation at the port of departure, and no visit by a vessel of war shall have taken place during the passage, it can be made to the consular authorities of the first port at which the slave-trading vessel may touch.

In case the denunciation only takes place after the landing of the slaves, the denunciator avoids prosecution, inasmuch as it is not proved that he could have denounced before the landing, and that he neglected to do so.

Such persons as shall make denunciations in time, and under the circumstances above-mentioned, will not only be relieved from all prosecution, but will, moreover, enjoy the following advantages:—

Their engagements with the captain cease to be binding, and they are not bound to serve on board until the end of their engagement, besides which they

reserve the right of receiving, not only their wages without reduction, as if the voyage were finished, but, moreover, the means of returning to Greece, in case they be in a foreign country on making the denunciation.

The refusal of captains to conform to these obligations is not to be feared. The consuls, who are obliged by law to render every assistance and protection to seamen, will be always ready to give such assistance to whoever may claim it of them, and to engage actively in the execution of the intentions of the law.

The law, as above stated, interdicts and punishes not only the Slave Trade, but, moreover, the simple transport of slaves; and in this last case admits also of repentance, and concedes the same impunity and the same advantages as in the first case to the denunciators of the fact of the transport of slaves. The time, the manner, and all the circumstances of the denunciation, are the same in these cases as in that of the Slave Trade itself.

Such is the object and such are the provisions of the law which interdicts the trade in slaves. All persons taking part either in the purchase or sale of slaves are by it condemned and punished, as well as all transport of slaves in Greek vessels, either for purposes of gain or of favouring the continuance of slavery.

In one case only the transport of slaves is unpunishable—namely, when the object is to place them at liberty, as expressed in the 6th Article of the law. But in case of a captain purchasing or shipping slaves on board his vessel, with the intention of liberating them, it is not sufficient that he allege such intention, in order to avoid prosecution. If his vessel is found with slaves on board, he is bound by law to prove that such was really his object.

The deposition and avowal of those who transport slaves may, in certain cases, serve as proof; but the most certain of all the steps to be taken to avoid prosecution is—

1st. For the captain to give information of his project, previously to his departure, to the Consular authority at the port where the embarkation of slaves shall take place; and to receive an official copy of his declaration, which he shall keep on board for his justification.

2nd. That he receive from the local authority of the place where he shall set the slaves at liberty, or, if in a foreign country, from the Consular authority, a certificate of the accomplishment of such philanthropic act.

By these means he may avoid the danger of prosecution—a danger the more imminent, as, according to the spirit of the law, the simple fact of the presence of slaves on board a vessel is sufficient motive for prosecution; and will not lose its criminal character until the accused can furnish proof of his good intention.

(Signed) L. MELAS, *Minister of Justice.*
KRIESIS, *Minister of Marine.*

No. 74.

Viscount Palmerston to Sir E. Lyons.

SIR, *Foreign Office, August* 26, 1841.

I HAVE received your Despatch of the 19th of June, 1841, enclosing a copy of the reply returned by M. Païcos to the note which you addressed to the Greek Government, inviting them to issue instructions to their functionaries in slave-holding countries, prohibiting them from being, directly or indirectly, interested in slave property.

I have to instruct you to present a note to M. Païcos, pointing out that this answer entirely evades the request made by Her Majesty's Government; and you will state that you are instructed to repeat that request, and to express the earnest hope of Her Majesty's Government that the Government of Greece will not object to do what Her Majesty's Government thus asks, and which has been consented to by the Governments of Belgium, Hanover, Naples, Portugal, Sardinia, and Sweden.

I am, &c.

(Signed) PALMERSTON.

Sir Edmund Lyons, Bart.,
&c. &c. &c.

No. 75.

Sir E. Lyons to the Earl of Aberdeen.

Athens, September 21, 1841.
(*Received October* 14.)

My Lord,

I have the honour to transmit to your Lordship a copy of a Note, in which, in pursuance of the instructions contained in Viscount Palmerston's Despatch to me of the 26th of August, I pointed out to the Greek Government the evasive nature of its reply to the request which I had made to it, by his Lordship's desire, that it would prohibit its functionaries in slave-holding countries from being interested in slave property; and renewed that request on the part of Her Majesty's Government.

I have, &c.
(Signed) EDMUND LYONS.

The Right Hon. Earl of Aberdeen, K.T.,
&c. &c. &c.

Enclosure in No. 75.

Sir E. Lyons to M. Rizo.

Athens, September 20, 1841.

Monsieur le Secretaire d'Etat,

I have communicated to Her Majesty's Government the reply which M. Païcos did me the honour, on the 6th (18th) of June, to return to the note which I addressed to His Hellenic Majesty's Government on the 8th of June, requesting it to issue instructions to its functionaries in slave-holding countries, prohibiting them from being, directly or indirectly, interested in slave property. I am desired to point out to His Hellenic Majesty's Government that this answer entirely evades the request made by Her Majesty's Government, and to state that I am instructed to repeat that request, and to express the earnest hope of Her Majesty's Government that the Government of Greece will not object to do what Her Majesty's Government thus asks, and which has been consented to by the Governments of Belgium, Hanover, Naples, Portgal, Sardinia, and Sweden.

I have, &c.
(Signed) EDMUND LYONS.

Monsieur Rizo,
&c. &c.

No. 76.

The Earl of Aberdeen to Sir E. Lyons.

Foreign Office, October 30, 1841.

Circular sending Papers presented to Parliament.
(See No. 10.)

No. 77.

The Earl of Aberdeen to M. Tricoupi.

Foreign Office, November 12, 1841.

Circular sending Papers presented to Parliament.
(See No. 11.)

No. 78.

The Earl of Aberdeen to Sir E. Lyons.

Foreign Office, December 27, 1841.

Circular asking for all Laws on Slave Trade.
(See No. 14.)

GREECE. *(Consular.)*

No. 79.

Viscount Palmerston to British Consuls and Vice-Consuls.

Circular as to carrying into effect the Greek Law against Slave Trade.

(See No. 44, p. 18.)

No. 80.

Mr. Green to Viscount Palmerston.

British Consulate, the Piræus, September 6 1841.

MY LORD, (*Received October* 11.)

I HAVE the honour to acknowledge receipt of your Lordship's Despatch dated the 31st of July, together with its two Enclosures, which have my full attention.

I have, &c.
(Signed) JOHN GREEN.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

MOROCCO. *(Consular.)*

No. 81.

Viscount Palmerston to British Consul and Vice-Consul.

Foreign Office, May 3, 1841.

Circular on holding or being interested in Slave Property.

(See No. 43.)

No. 82.

Mr. T. R. Drummond Hay to Viscount Palmerston.

British Consulate-General, Tangier, May 31, 1841.

MY LORD, (*Received June* 14.)

I HAVE the honour to acknowledge receipt of your Lordship's Despatch of the 8th instant, and shall forward, according to your Lordship's instructions, a copy of the Memorial from the General Anti-Slavery Convention to the British Vice-Consuls in this country.

I have, &c.

(Signed) T. R. DRUMMOND HAY,
Acting Consul-General.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

No. 83.

Viscount Palmerston to British Consuls and Vice-Consuls.

Foreign Office, July 31, 1841.

Circular instruction, as to execution of the Greek Law against Slave Trade.

(See No. 44.)

No. 84.

Mr. Consul-General Hay to Viscount Palmerston.

British Consulate-General, Tangier, August 18, 1841.

MY LORD,

I HAVE the honour to acknowledge receipt of your Lordship's Despatch, dated the 31st ultimo, which conveys to me copies in triplicate of a letter from the Greek Minister at the Court of London, accompanying a translation of a law promulgated by the King of Greece on the 13th of last March, prohibiting the trade in slaves and assigning penalties for offences committed in contravention of that law. I have received therewith also, in triplicate, a copy of a Despatch and its enclosures from Her Majesty's Minister in Greece, upon the same subject.

I shall not fail to give my best assistance, as called on by your Lordship, towards carrying the said law into effect, if ever an occasion present itself; and, according to your Lordship's instruction, will forward one set of the said enclosures to each of my Vice-Consuls at Mogador and Tetuan.

I have, &c.

(Signed) T. R. DRUMMOND HAY.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

No. 85.

The Earl of Aberdeen to Mr. Hay.

Foreign Office, October 30, 1841.

Circular sending papers presented to Parliament.

(See No. 10.)

No. 86.

Viscount Palmerston to Mr. Hay.

Foreign Office, December 27, 1841.

Circular asking for all laws on Slave Trade.

(See No. 14.)

PALESTINE. *(Consular.)*

No. 87.

Viscount Palmerston to Mr. Young.

Foreign Office, May 8, 1841.

Circular on holding or being interested in slave property.

(See No. 43.)

No. 88.

Viscount Palmerston to Mr. Young.

Foreign Office, July 31, 1841.

Circular Instruction, as to the execution of the Greek law against Slave Trade.

(See No. 44.)

No. 89.

Mr. Young to Viscount Palmerston.

Jerusalem, July 8, 1841.

MY LORD, (*Received Sept.* 9.)

I HAVE the honour to acknowledge the receipt of your Lordship's Circular Despatch of the 8th of May, transmitting to me the copy of a Memorial from the General Anti-Slavery Convention.

Whenever a fitting occasion presents itself in my intercourse with the natives, I never lose the opportunity to state how much the British Government is opposed to every species of traffic in slaves; and in the year 1839 I took occasion to address each of the Consular Agents within my jurisdiction on the subject, as I had the honour to apprise your Lordship in my Despatch dated the 14th of March, 1839, and of which your Lordship, in reply, was pleased to approve.

I have, &c.

(Signed) W. T. YOUNG.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

PERSIA.

No. 90.

Viscount Palmerston to Sir John M'Neil.

SIR, *Foreign Office, July* 9, 1841.

HER MAJESTY'S Government being anxiously desirous to see the Slave Trade put down, and the condition of slavery abolished, in every part of the world, I have to instruct you to collect and transmit to me all the information you can procure upon the present state of the Slave Trade and of slavery in the dominions of the Shah of Persia, and in the adjoining and neighbouring countries.

It is well known that in countries where the Mohammedan religion prevails Slave Trade and the condition of slavery are in unison with the habits, opinions, and prejudices of the people; and instead of being there viewed with the same feelings of disgust which such things excite among Christian nations, they are deeply interwoven with the civil institutions of those countries.

Hence it follows that Her Majesty's Government cannot hope or expect that by any influence they may possess, nor by any arguments they can use, they can be able at once to persuade Mohammedan nations to adopt the notions of Christendom on these matters; but, nevertheless, Her Majesty's Government conceive that much good may be accomplished in these respects even in Mohammedan countries by steady perseverance, and by never omitting to take advantage of favourable opportunities to press upon Mohammedan rulers the wishes of the British Government on these points.

You will accordingly take an early opportunity of expressing to the Shah of Persia the strong desire which is felt on this matter by Her Majesty's Government, and you will represent to him that he would be doing a thing extremely acceptable to the British Government and nation if he would issue a Decree, prohibiting for the future the importation of slaves of any kind into Persia, and making it penal for a Persian to purchase slaves.

The Persian Government has of late years justified its hostilities against the Affghans and the Tourkmans upon the ground that those nations have been in the habit of carrying off Persian subjects as slaves, and the British Government has been useful in persuading the Affghans to agree to give up that practice; but the Shah cannot reasonably object to order his subjects to abstain from encouraging against neighbouring nations those acts of violence and rapine from which he has felt it right to protect his own people even by the extremities of war; and the Shah would be still more fortified in reason in resisting and in punishing offences of this kind when committed by other nations, if he were effectually to prevent his own subjects from purchasing slaves who must have been made slaves by acts of violence or treachery in other countries. You will also urge the Shah to extend his prohibition to the importation of slaves by sea as well as by land; and to the importation of slaves from Africa and India, as well as from the countries bordering upon Persia.

You will say to the Shah that every State in Europe and in America has now by law prohibited the Slave Trade, and that the greater number of these States have abolished the condition of slavery within their territories; that these principles are rapidly spreading even in Mohammedan nations, and that the Imaum of Muscat and the Bey of Tunis have issued laws against Slave Trade.

You will further say that it would be highly agreeable to the British Government and nation if the Shah would issue some edict encouraging and exhorting his subjects to set free such of their slaves as may be most deserv-

ing of such favour, and pointing out to his subjects that such acts of benevolence and mercy could not fail to obtain the favour of Heaven for those who do them.

I have, &c.
(Signed) PALMERSTON.

Sir John M'Neil, G.C.B.,
&c. &c.

No. 91.

The Earl of Aberdeen to Sir John M'Neil.

Foreign Office, December 27, 1841.

Circular for all laws on Slave Trade.

(See No. 14.)

SYRIA. (*Consular.*)

No. 92.

Viscount Palmerston to British Consuls and Vice-Consuls.

Foreign Office, May 8, 1841.

Circular Instruction on holding or being interested in slave property.

(See No. 43.)

No. 93.

Viscount Palmerston to British Consuls and Vice-Consuls.

Foreign Office, July 31, 1841.

Circular Instruction as to the execution of the Greek law against Slave Trade.

(See No. 44.)

TURKEY.

No. 94.

Viscount Ponsonby to Viscount Palmerston.

Therapia, December 27, 1840.
(*Received February* 8, 1841.)

My Lord,

I have paid the greatest attention to your Lordship's several instructions on the subject of slavery in Turkey, with the hopes of arriving at some result that would afford a chance of obtaining in any degree the object your Lordship so earnestly desires to accomplish. I have mentioned the subject, and I have been heard with extreme astonishment, accompanied with a smile, at a proposition for destroying an institution closely interwoven with the frame of society in this country, and intimately connected with the law and with the habits, and even the religion, of all classes of the people, from the Sultan himself down to the lowest peasant.

The Sultans, for some centuries past, have never married, and the imperial race is perpetuated by mothers who are slaves.

In all other families slaves may be, and often are, the mothers of legitimatised children, who are in all respects as much esteemed as those of legal wives.

The admirals, the generals, the ministers of state, in great part have been originally slaves. In most families a slave enjoys the highest degree of confidence and influence with the head of the house.

To carry what your Lordship desires into execution it will be necessary to limit the law of succession to the Crown and alter the policy that has so long guided the Sultans in that respect, and also to change fundamentally the political and civil institutions and laws and the domestic arrangements of the people. Universal confusion would perhaps be the consequence of such violent changes, and probably those persons intended to be most benefited by them would be the greatest sufferers.

The slaves are generally well protected against ill-treatment by custom and the habits of the Turks, and by the interests of masters and their religious duty, and perhaps slaves in Turkey are not to be considered worse off than men everywhere else who are placed by circumstances in a dependent situation; whilst on the other hand they may attain, and constantly do enjoy, the highest dignities, the greatest power, and largest share of wealth of any persons in the empire.

I think that all attempts to effect your Lordship's purpose will fail, and I fear they might give offence if urged forward with importunity. I was asked, "What would the English Government think of the Sublime Porte if it was to call upon the Sovereign of England and the people of England to alter the fundamental law of their country, and change its domestic habits and customs in order to please the taste of the Turks?"

I could perceive, in spite of the good-humoured politeness with which this question was asked, that there was something like wounded feeling in the speaker.

The Turks may believe us to be their superiors in the sciences, in arts, and in arms; but they are very far from thinking our wisdom or our morality greater than their own.

I have, &c.
(Signed) PONSONBY.

The Right Hon. Viscount Palmerston, G.C.B.,
&c. &c. &c.

No. 95.

Viscount Palmerston to Viscount Ponsonby.

Foreign Office, April 15, 1841.

Circular sending Treaty with the Argentine Confederation.

(See No. 1.)

No. 96.

Viscount Palmerston to Viscount Ponsonby.

Foreign Office, April 22, 1841.

Circular sending Convention with Hayti.

(See No. 2.)

No. 97.

Viscount Palmerston to Lord Ponsonby.

MY LORD, *Foreign Office, June* 23, 1841.

I HEREWITH transmit to your Excellency copies of two Despatches which I have received from Sir Thomas Reade, Her Majesty's Consul-General at Tunis, stating the steps which the Bey of Tunis has taken against Slave Trade and slavery, and a copy of the answer which by the Queen's commands I have returned to the intimation given in that Despatch.

I have, &c.

(Signed) PALMERSTON.

Viscount Ponsonby,
&c. &c.

Enclosures in No. 97.

1. *Sir T. Reade to Viscount Palmerston.*

Tunis, April 30, 1841.

2. *Sir T. Reade to Viscount Palmerston.*

Tunis, May 12, 1841.

(See Nos. 129 and 130.)

No. 98.

The Earl of Aberdeen to Mr. Bankhead.

Foreign Office, October 30, 1841.

Circular sending Papers presented to Parliament.

(See No. 10.)

No. 99.

The Earl of Aberdeen to Mahomed Fuad Effendi.

Foreign Office, November 12, 1841.

Circular sending Papers presented to Parliament.

(See No. 11.)

No. 100.

The Earl of Aberdeen to Sir Stratford Canning.

Foreign Office, December 27, 1841.

Circular asking for all Lawson Slave Trade.

(See No. 14.)

TURKEY. *(Consular.)*

No. 101.

Viscount Palmerston to British Consuls and Vice-Consuls.

Foreign Office, May 8, 1841.

Circular as to holding or being interested in Slave Property.

(See No. 43.)

No. 102.

Mr. R. W. Brant to Viscount Palmerston.

British Consulate, Smyrna, June 25, 1841.

MY LORD, (*Received July* 31.)

I HAVE the honour to acknowledge the receipt of your Lordship's Despatch of the 8th ultimo, accompanying the copy of a Memorial from the General Anti-Slavery Convention, and acquainting me that Her Majesty's Government concurs in the sentiments therein expressed, and especially in the opinion that it would be unfitting that any British officer should either directly or indirectly hold or be interested in slave property.

I beg to assure your Lordship that I am not, nor do I believe that any officer within the jurisdiction of this Consulate is, interested in slave property.

I shall not fail, my Lord, to forward, as directed, the two copies of the Memorial sent me, with suitable instructions, to the Vice-Consuls.

I have, &c.

(Signed) R. W. BRANT, *Consul.*

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

No. 103.

Mr. James Brant to Viscount Palmerston.

Erzeroom, June 30, 1841.

MY LORD, (*Received July* 30.)

I HAVE the honour to acknowledge your Lordship's Despatch of the 8th ultimo, transmitting copies of a memorial to Her Majesty's Government from the General Anti-Slavery Convention. I shall, as instructed, transmit copies of the same to the ViceConsuls of Trebizond Batoom, Samsoon, and Moossul; but I may be permitted to observe, that, although slavery certainly exists in these countries, no Christian is allowed to purchase or own a slave.

On one occasion some years since I subscribed and assisted the Greeks at Trebizond to release from slavery a Greek woman taken at Scio, and restored her to her family.

About three years since, the then Russian Consul here purchased a negro slave, whom he took with him to Russia: beyond these instances I never heard of either European or native Christian purchasing or owning a slave.

I have, &c.

(Signed) JAMES BRANT.

The Right Hon. Viscount Palmerston, G.C.B.,
&c. &c. &c.

No. 104.

Mr. Kerr to Viscount Palmerston.

Adrianople, June 31, 1841.
(*Received July* 30.)

My Lord,

I have had the honour of receiving your Lordship's Despatch of the 8th of May, transmitting to me copy of a memorial from the General Anti-Slavery Convention, of the 20th of June, 1840, and at the same time instructing me that Her Majesty's Government concurs in the sentiments expressed in that memorial, and especially in the opinion that it would be unfitting that any officer holding an appointment under the British Crown should, either directly or indirectly, hold or be interested in slave property.

The second copy of the memorial which your Lordship sends me I will immediately transmit to the British Consular Agent at Enos, with suitable instructions.

I have, &c.
(Sined) JOHN KERR.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

No. 105.

Mr. Blunt to Viscount Palmerston.

Salonica, July 8, 1841.
(*Received July* 31.)

My Lord,

I have the honour to acknowledge the receipt of your Lordship's Despatch, dated the 8th of May, with a copy of a memorial, dated the 20th of June, 1840, from the General Anti-Slavery Convention, and acquainting me with the entire concurrence of Her Majesty's Government in the sentiments expressed in that memorial, and especially to that part of it having reference to persons holding appointments under the British Crown.

I have, &c.
(Signed) CHARLES BLUNT.

The Right Hon. Viscount Palmerston, G.C.B.,
&c. &c. &c.

No. 106.

Viscount Palmerston to British Consuls and Vice-Consuls.

Foreign Office, July 31, 1841.

Circular as to execution of the Greek Law against the Slave Trade.

(See No. 44.)

No. 107.

Mr. Cartwright to Viscount Palmerston.

Constantinople, July 14, 1841.
(*Received August* 6.)

My Lord,

I have had the honour of receiving your Lordship's Despatch of the 8th of May, enclosing a copy of a memorial addressed to your Lordship by the General Anti-Slavery Convention.

Your Lordship has been pleased to acquaint me that her Majesty's Government concurs in the sentiments expressed in that memorial, and I shall not fail to be mindful that it would be unfitting for any officer holding an appoint-

ment under the British Crown to be interested either directly or indirectly in slave property.

I have &c.

(Signed) JOHN CARTWRIGHT,
Consul-General.

The Right Hon. Viscount Palmerston, G.C.B.,
&c. &c. &c.

No. 108.

Mr. Sandison to Viscount Palmerston.

Brussa, August 17, 1841.
(*Received September* 20.)

My Lord,

I have the honour to acknowledge the receipt of your Lordship's Despatch of the 8th of May last, transmitting a copy of a Memorial from the General Anti-Slavery Convention; and I notice, for my guidance, the concurrence of Her Majesty's Government in the sentiments expressed in that Memorial, especially as regards any officer holding an appointment under the British Crown.

An offer was made to me, soon after my arrival here, by authority of the Governor. and as the only Christian to whom it was permitted, to select any slaves belonging to the slave-merchants of the city for purchase or hire. I declined the offer, and have never had a slave in my service.

With regard to the traffic in this district, I should not fail to report to your Lordship any case of British subjects discovered to be concerned in the criminal practice.

The state of slavery which exists here is in its mildest form, as common throughout Turkey. Some of the richer Mussulmans purchase either African blacks, or Circassians and Georgians, who are placed on the footing of members of their families, or domestics. They are sometimes, but rarely, resold; and I have never heard of their being treated with inhumanity as slaves, nor does their caste or colour depress them in society.

I have, &c.

(Signed) D. SANDISON, *Consul.*

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

No. 109.

Mr. Cartwright to Viscount Palmerston.

Constantinople, September 15, 1841.
(*Received November* 2.)

My Lord,

I have the honour to acknowledge the receipt of your Lordship's Despatch of the 31st of July last, with the several Enclosures therein referred to, relating to a law promulgated by the King of Greece on the 13th of March, 1841, prohibiting the trade in slaves; and I will not fail to attend to your Lordship's instructions to give my best assistance towards carrying that law into effect, in conformity with the desire expressed by the Greek Government.

I have, &c.

(Signed) JOHN CARTWRIGHT,
Consul-General.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

TRIPOLI. (*Consular.*)

No. 110.

Colonel Warrington to Viscount Palmerston.

Tripoli, December 11, 1840.

MY LORD, (*Received January* 14, 1841.)

I HAVE the honour to acknowledge your Lordship's Despatch of the 22nd of October, and I have to assure you I shall strictly conform to your Lordship's orders.

Forwarding this interesting subject with the Arab Sheikhs requires much prudence and caution, otherwise I might do mischief instead of good.

Should I be fortunate enough to effect peace between the Turks and Arabs, most probably I shall see Abgelleel, in whose possession I may say is the key to the interior of Africa.

I know he is disposed to favour the abolition of slavery, and to direct the mind to commercial labour; and, in my humble opinion, much might be done by his medium.

I have, &c.

(Signed) H. WARRINGTON.

The Right Hon. Viscount Palmerston, G.C.B.,
&c. &c. &c.

No. 111.

Viscount Palmerston to Colonel Warrington.

Foreign Office, May 8, 1841.

Circular against holding or being interested in Slave Property.

(See No. 43.)

No. 112.

Colonel Warrington to Viscount Palmerston.

Tripoli, April 9, 1841.

MY LORD, (*Received May* 11.)

I HAVE the honour to inform your Lordship that a very large caravan is just arrived in Bengazi, from Wadey, with numerous black slaves.

I am sorry to add that 800 of them perished on the Desert from starvation, not having provided a sufficient supply of provisions for them.

I lament to say that, the demand for slaves being so great, the price of the survivors covered the great loss by the mortality. Unfortunately the traders in this horrid traffic derive such great profits, which prevent them pursuing a more honourable commerce, thereby injuring the Christian merchants, who are anxious to trade with the interior.

Whenever I can see the great Sheikh Abgelleel, I shall have some conversation with him on the subject of slavery, as, by his medium, the outlet of this traffic may be effectually closed in this quarter; and, indeed, there is more to be

done towards the abolition of slavery and the prosecution of lawful commerce by his means than is generally known.

I have, &c.
(Signed) H. WARRINGTON

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

No. 113.

Viscount Palmerston to Colonel Warrington.

SIR, *Foreign Office, May* 18, 1841.

I HAVE received your Despatch of the 9th of April last, giving an account of Slave Trade carried on from Tripoli, with the interior of Africa.

I have to desire that you will strongly urge the Sheikh Abgelleel to put an end to this trade.

You will represent to him that it prevents other commerce which would enrich and civilise the country; and that the continuance of these practices within the range of his influence must tend to indispose Great Britain towards him; whereas it is clearly his interest on every account, political and commercial, to conciliate the good opinion and good will of the English nation.

I am, &c.
(Signed) PALMERSTON.

Colonel Warrington,
&c. &c.

No. 114.

Colonel Warrington to Viscount Palmerston.

Tripoli, June 14, 1841.
MY LORD, (*Received July* 7.)

I HAVE the honour to acknowledge the receipt of your Lordship's Despatch of the 8th ultimo, with Enclosure from the General Anti-Slavery Convention, and for the honour of this consulate, I say no such circumstance ever has, or ever will take place, I may venture to assert.

I have, &c.
(Signed) H. WARRINGTON.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

No. 115.

Viscount Palmerston to Colonel Warrington.

Foreign Office, July 31, 1841.

Circular as to execution of the Greek Law against Slave Trade.

(See No. 44.)

No. 116.

Colonel Warrington to Viscount Palmerston.

Tripoli, July 1, 1841.
MY LORD, (*Received August* 9.)

I HAVE the honour to acknowledge your Lordship's Despatch of the 18th of May.

Abgelleel is now on his road from Mourzouk to Benoleed.

I consider the subject on which I have to communicate of that important and delicate nature, that it ought to be discussed in a personal interview. I have therefore written to Abgelleel to obtain a meeting, as your Lordship will find by the enclosed copy of my letter.

If your Lordship would allow me to ask the Commander-in-Chief to send a small vessel to take me to the Syrtis, I think it would facilitate the object of the communication. There is such a decided hostility to all civilization and good feeling on the part of Askar Ali, that the journey by land is impossible during his reign here.

Abgelleel is a reasonable intelligent person, and I am sanguine there will be no difficulty to get him not to allow the traffic of slavery through the extensive territory he commands. I am persuaded he will use his influence (which is very great) with numerous Sovereigns of the interior to abolish slavery and to promote commerce generally; but unless the produce of the interior can be secured from molestation and robbery by the local authority here, the necessary confidence could not be established, and of course there would be no outlet for embarkation.

I have, &c.

(Signed) H. WARRINGTON.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

Enclosure in No. 116.

Colonel Warrington to Sheikh Abgelleel.

THE British Consul-General to his good and worthy friend Abgelleel, saluting.

We have pleasure to inform you that Mr. Gagliuffi is still in Constantinople, but we expect his return very soon, when he will repair to his post at Mourzouk as British Vice-Consul. We are particularly anxious to see you, and to have some conversation on the commercial resources of the interior. We are aware of your influence and of your liberal and enlightened mind, and we are persuaded we could suggest a plan which would tend to enrich and civilise the interior, and to prove to you it is clearly your interest, on every account, political and commercial, to conciliate the good opinion and good will of the English nation.

This is a subject of too much importance, and too extensive, to be discussed in this letter, but if you will inform us when you visit the district of the Syrtis, we will endeavour to pay you a visit.

After your perusing the above it will appear to you clearly we have full powers from our superiors to communicate with you on the subject alluded to; and we again assure you that you have an opportunity of making the powerful nation of England your friend.

Waiting your answer when you will be near the Gulf of Syrtis, we wish you health and every blessing of your old and sincere friend the Agent and Consul-General of England.

(Signed) HANMER WARRINGTON.

The Sheikh Abgelleel,
&c. &c.

No. 117.

Colonel Warrington to Viscount Palmerston.

Tripoli, July 20, 1841.
(*Received September* 6.)

MY LORD,

I HAVE the honour to refer your Lordship to the enclosed copy of a Despatch I received from Mr. Vice-Consul Wood.

The honourable pursuits of commerce in this country appear to be superseded by the demon of avarice, regardless of every sentiment of humanity, as long

as they gain in the traffic of the flesh and blood of our fellow-creatures. May God forgive and avert the mind of man from such scenes of horror!

I have, &c.

(Signed) HANMER WARRINGTON.

The Right Hon. Viscount Palmerston, G.C.B.,
&c. &c. &c.

Enclosure in No. 117.

Mr. Wood to Colonel Warrington.

British Vice-Consulate, Bengazi,
June 22, 1841.

SIR,

I HAVE the honour to acknowledge receipt of your Despatch of the 14th instant, enclosing, by Viscount Palmerston's orders, some observations from the Anti-Slavery Convention, which, as you justly remark, never have or ever will be applicable to me.

Indeed I must confess it has often been to me a subject of deep regret to witness this inhuman traffic carried on here, and which, I am sorry to say, has increased to a great extent during the present year, a circumstance perhaps to be attributed to the unsettled state of the country in your neighbourhood, owing to which the commerce between Tripoli and Fezzan has been entirely intercepted, and has now taken this direction, where, on account of our vicinity to the Levant, they find, I presume, greater facility in exporting them than at your port.

Upwards of 2000 have already, this year, been brought in from the interior in the most miserable and wretched state, the greater part of them having barely sufficient to cover their nakedness.

A kaffle, a short time ago, bringing 900 of those unfortunate people from Wadey, lost no less than 300 on their way, having died chiefly from hunger and thirst, added to other privations to which they were subject on the road.

The slaves brought here formerly used to come from Fezzan, but now a great number are sent from Wadey, owing, I understand, to the existing hostilities between the Sultan of that country and that of Darfoor, which prevents them taking any longer the route by Egypt. This, no doubt, tends also in some degree to increase the traffic at this port. The slaves from Wadey, generally speaking, arrive in a much worse condition than those from Fezzan, and suffer more owing to the want of water and the long tract of desert they have to cross.

A report having been in circulation regarding the Sultan's intention of abolishing slavery throughout the Ottoman dominions, and which has lately gained ground since the news of what has taken place at Tunis was known here, this rumour has created the greatest alarm amongst those concerned in this traffic, so much so that they have ever since been most active in shipping off their slaves for Constantinople, Smyrna, and other places on the Levant, with the view of disposing of them before any change actually takes place. In fact 1270 slaves have been embarked at this port within the last two months, the traffic in question being confined to vessels under the Turkish flag. It is true Greek ships used formerly to be engaged in their exportation, but have discontinued since the new law was issued by the King of Greece, prohibiting his subjects from engaging therein under heavy penalties.

The Local Government derives a large amount from this branch of revenue, as the owners pay on exporting them a custom duty of five dollars each slave, besides other two dollars on entering the town, producing in the present year upwards of 14,000 dollars.

I have, &c.

(Signed) T. WOOD.

Colonel Warrington,
&c. &c.

No. 118.

Colonel Warrington to Viscount Palmerston.

My Lord, *Tripoli, September* 1, 1841.

On the 1st of July I had the honour to enclose to your Lordship a copy of a Letter to the Sheikh Abgelleel, inviting him to name a place to enable me to meet him, and discuss a measure for the civilisation of the interior, and for the promotion of commercial purposes.

In that discussion I intended that the abolition of slavery, to the extent of his power and influence, should form the principal feature of the negotiation. I have received a verbal communication from Abgelleel, lamenting that he cannot meet me during the time Askar Ali remains, but the moment another Pacha is appointed he will come down nearly to Tripoli.

That he would have written, but no courier could be found to convey the letter, owing to the awful cruelties committed by Askar Ali on such persons.

I have, however, received a letter from Sheikh En Nerser, brother to Abgelleel, who commands in Beneleed; Enclosure No. 1.

It will show how friendly disposed and how ready they are to meet our wishes.

The abolition of slavery, opening commerce with the interior, and the ultimate civilisation of those unfortunate people, appear to me most important objects to attain.

Your Lordship is aware that the Turks have ruined this country, and the only trade, I may say, carried on with the interior, is slavery, which has increased to an alarming degree.

Had the Convention of 1838 been observed it would have been otherwise, but its operation has caused extra duties and impositions which really amount to the abolition of trade.

The unprecedented state of distress here is dreadful. Stripped of their last baracan, they perish with hunger, not having the means to purchase food.

As long as the Turks pursue such fatal and blind policy, injurious to all parties, nothing can be done unless England would make a Treaty with Abgelleel to accomplish these three great points, and to secure a port in this Regency where the produce of the interior might be brought, without nearly the certain danger of life and property.

At present the iron hand of bigotry grasps at everything to the entire exclusion of the Christians, and in open violation of the Convention of 1838.

Certainly great advances may be made towards attaining the three objects, and your Lordship's extensive mind and political knowledge best know if the impediments can be removed. I am sanguine Abgelleel will meet the wishes of England with all good faith.

I have, &c.

(Signed) HANMER WARRINGTON.

The Right Hon. Viscount Palmerston, G.C.B.,
&c. &c. &c.

(Translation.)

Enclosure in No. 118.

Sheikh il Nursur to Colonel Warrington.

Benoleed, August 24, 1841.

After having sent different times to you asking the news from the sea, we are informed that a new Pacha has arrived, and that the first is gone, and we are in doubts if it is true or not; if it is really the case we shall come forward through your mediation, and everything shall be arranged, and whatever is done by you during our absence we shall be satisfied, as we have no other friend in Tripoli but yourself, and nothing shall be done unless by you; if you are not pleased with the new Pacha we shall have nothing to say to him. You will oblige us by the bearer of this letter to inform us of the real truth, and of the name of the new Pacha who has arrived in Tripoli: we

are very anxious to hear from you, as we must inform our brother, Sheikh Abgelleel: anything we can do for you we shall always be most happy.

From your friend,

(Signed) SAFE IL NURSUR.

Colonel Warrington,
&c. &c.

No. 119.

Colonel Warrington to Viscount Palmerston.

Tripoli, September 3, 1841.
(Received October 10.)

My Lord,

When I had the honour to address your Lordship on the 1st instant, suggesting measures to induce Abgelleel to use his power and influence to abolish slavery and to promote commerce and civilisation, I omitted to state the advantages which would arise if he had a port on this coast for the exportation of the interior produce.

In the first place, it would ensure fidelity in the performance of his engagement; secondly, he would willingly be tributary to the Sultan, who would derive revenue and advantages hitherto unknown, and this poor devoted country would once more be restored to tranquillity. The port of Bengaze I should think the most desirable, and as the Sultan would not only get an increase of revenue, but the allegiance of the country, reason tells me it would be beneficial to all parties.

The three points alluded to I assure you, my Lord, have caused in my mind a most lively interest; but should my enthusiasm carry me beyond the bounds of propriety and reason, I hope my zeal will plead my pardon in your Lordship's eyes.

I have, &c.

(Signed) HANMER WARRINGTON.

The Right. Hon. Viscount Palmerston, G.C.B.,
&c. &c. &c.

No. 120.

Colonel Warrington to Viscount Palmerston.

Tripoli, September 17, 1841.
(Received October 14.)

My Lord,

I have the honour to acknowledge your Lordship's Despatch of the 31st of July, and the law promulgated by the King of Greece on the 13th of March last, prohibiting the trade in slaves, and assigning penalties for the offences committed in contravention of that law.

Your Lordship may believe that every attention and exertion shall be evinced on my part to give full effect to the glorious object.

I fear as long as Turkish vessels prosecute the trade in slaves there will be no diminution of the revolting traffic on this coast.

I have, &c.

(Signed) HANMER WARRINGTON.

The Right Hon. Viscount Palmerston, G.C.B.,
&c. &c. &c.

No. 121.

The Earl of Aberdeen to Colonel Warrington.

Foreign Office, October 30, 1841.

Circular transmitting Papers presented to Parliament.

(See No. 10.)

No. 122.

Colonel Warrington to the Earl of Aberdeen.

Tripoli, October 23, 1841.

(Extract.) (*Received November* 10.)

I HAVE the honour to inform your Lordship that Her Majesty's brig "Savage" arrived here on the 29th ultimo to take me to the Syrtis.

On the 1st instant, not knowing where Abgelleel was, I addressed No. 1 to him.

No. 2 I also wrote to his brother, Safe il Nurser, at Beneleed, which was sent off by courier.

No. 3 is the answer of Safe il Nurser, received on the 21st instant, by which it will appear a further delay will take place before I can see Abgelleel. The "Savage" will therefore return to Malta, but I hope the commander-in-chief will allow her again to come over.

I addressed No. 4 to Askar Ali Pacha, assigning reasons for visiting the interior.

When I receive an answer to No. 4, a copy shall be sent your Lordship; but I think the Pacha will grant the pass, and I shall then see whether it is most advisable to go direct by land or by the Syrtis.

First Enclosure in No. 122.

Colonel Warrington to Sheikh Abgelleel.

Tripoli, October 1, 1841.

NEARLY four months since we had the pleasure to write to you to ascertain when you would be in the neighbourhood of the Syrtis, as we particularly wished to see you, and have some conversation on a subject of the greatest importance to your interest, and to the general wealth and prosperity. We are aware of your influence, and of your liberal and enlightened mind; and we are convinced we could suggest a plan which would tend to enrich and civilise the interior, and to prove to you it is clearly your interest on every account, political and commercial, to conciliate the good opinion and good will of the English nation.

This is a subject too important and too extensive to be discussed by letter. I therefore propose to visit you. I mentioned that I had full power from my superiors to make known and discuss the subject to which I again allude; and I assure you that you have still the power of making the great and powerful nation of England your friend.

An English vessel of war is now here ready to convey me to the Syrtis whenever I hear from you. Your friend Gagliuffi is not yet arrived from Constantinople, but is expected; and I hope to see him, that he may accompany me to the Syrtis.

I send this letter open to your brother, our friend Safe il Nurser, so that he may write to say when you are likely to be in the Syrtis. I know you have the greatest confidence in my great nation, and in myself also; and I assure you that our words are truth, and as sacred as our religion. Therefore let no doubt arise to induce you to think otherwise.

Yours, &c.

(Signed) H. WARRINGTON.

The Sheikh Abgelleel,
&c. &c.

Second Enclosure in No. 122.

Colonel Warrington to Sheikh Safe il Nurser.

Tripoli, October 1, 1841.

THE enclosed Letter to your brother is left open for you to read and to forward.

Be kind enough to inform me when it is probable your brother may be in

the Syrtis, as I may have the advantage of being conveyed there in a ship of war which is now here.

Write by return of the courier, and it will give me pleasure to hear of your health and prosperity; and, offering my services, believe me with sincerity your friend,

(Signed) H. WARRINGTON.

The Sheikh Safe il Nurser,
&c. &c.

(Translation.) Third Enclosure in No. 122.

Sheikh Safe il Nurser to Colonel Warrington.

YOUR courier is arrived with the last Letters, and we have forwarded them, as well as the others, to have the news in return; and since writing we received a courier from Abgelleel, giving us an account of Buseif and the tribes of the West, who made war on us, and afterwards were obliged to sue for peace, and those who remained alive were forgiven, and peace made; and they became subjects of ours, and the whole tribe. Your Letter by the first courier was forwarded to Abgelleel without our knowing the contents, and the last was sent also.

You will soon hear from him on the subject you wish, and, please God, all you wish will be done; and anything coming from you we will always agree to, and we hope you are always working for us, as, after a long friendship, it is bad to desert a friend; and do not neglect to write, and to give us all the news.

We have, &c.
(Signed) SAFE NURSER BEN GAID.

Colonel Warrington,
&c. &c.

Fourth Enclosure in No. 122.

Colonel Warrington to Askar Ali Pasha.

YOUR HIGHNESS, *Tripoli, October* 21, 1841.

YOU are aware that the British Government appointed Mr. Gagliuffi Vice-Consul and Commercial Agent to Fezzan, and that Her Majesty's Ambassador at Constantinople obtained from the Sultan a firman approving of the appointment, and ordering all in authority, and all his subjects, to aid and assist Mr. Gagliuffi to the utmost of their power. Circumstances have caused great delay; and as the present season is so favourable to visit the interior, it is my intention to go to Fezzan myself, and to make the necessary arrangements for establishing a Vice-Consul, and promoting commerce for the general good; and your Highness may believe me, as far as my influence extends, the interest of the Sultan will not be forgotten.

Under these circumstances, and as the object is so laudable in itself, I hope your Highness will give me your firman or passport for my safety through those districts under your immediate power and control.

I have, &c.
(Signed) H. WARRINGTON.

His Highness Askar Ali Pasha,
&c. &c. &c.

No. 123.

Colonel Warrington to the Earl of Aberdeen.

Tripoli, October 24, 1841.
(*Received December* 5.)

MY LORD,

YESTERDAY I had the honour to address your Lordship, informing you of the steps taken to open a communication with Abgelleel; since which I have received the Letter, Enclosure No. 1, from Askar Ali Pacha.

Her Majesty's brig "Savage" being under sail, I sent a copy, and the Letter, Enclosure No. 2, for the information of the Admiral.

All I asked of the Pacha was a pass through the territory under his control, and no responsibility whatever on what might happen beyond the extent of his power. I am sorry to add he appears to do all he can to frustrate the object of the appointment of a Vice-consul at Mourzouk, and to prevent the great commercial resources of the interior being available.

It appears to me, my Lord, that we can hold communication with any territory not under his authority without affording him just cause of complaint, particularly so as the French lately had direct communication with Abgelleel on the sulphur affair; therefore, should the Admiral send the "Savage" back, I will proceed in her to the Syrtis, and will find my way to Abgelleel in the best manner I can.

I have, &c.
(Signed) H. WARRINGTON.

The Right Hon. Earl of Aberdeen, K.T.,
&c. &c. &c.

(Translation.) First Enclosure in No. 123.

Askar Ali Pasha to Colonel Warrington.

SIR, *October* 23, 1841.

WE acknowledge the receipt of your letter, and, having read its contents, we have to say, in answer, that, as to your intention of proceeding to Fezzan, we are very sorry, notwithstanding the friendship we profess to you, to be unable for the present to agree to your wishes, owing to the inconveniences and disorders committed still by the rebel Arabs in those parts.

And as you, Sir, as the representative of Great Britain, with which there is no doubt of the good harmony and friendship actually existing between your government and ours, we must in consequence, in discharge of our duty, declare to you, if you come to the resolution of taking such a disastrous and dangerous journey, we do not intend taking upon ourselves any responsibility of whatever may happen to you.

Saluting you, we have, &c.
(Signed) ASKAR ALI PACHA.

Colonel Warrington,
&c. &c.

Second Enclosure in No. 123.

Colonel Warrington to Commander Bowker.

SIR, *Tripoli, October* 23, 1841.

I HAVE the honour to enclose you, for the information of his Excellency the Commander-in-Chief, a copy of a letter I have just received from Askar Ali Pacha, and to acquaint you that I shall be ready to embark on board the brig "Savage" the moment she returns from Malta, to proceed forthwith to the Syrtis.

I have, &c.
(Signed) H. WARRINGTON.

Commander Bowker,
Her Majesty's Brig "Savage."

No. 124.

Colonel Warrington to the Earl of Aberdeen.

Tripoli, November 2, 1841.
(*Received December* 5.)

MY LORD,

I HAVE the honour to inform your Lordship that the Sheikh Abgelleel is returned to Mourzouk, 700 miles off, which, added to the bad feeling of Askar Ali Pacha, renders it impossible to visit him at the present time.

For further particulars your Lordship will be pleased to refer to the enclosed Letter addressed to Admiral Sir John Ommanney.

I have, &c.
(Signed) H. WARRINGTON.

The Right Hon. Earl of Aberdeen, K.T.,
&c. &c. &c.

Enclosure in No. 124.

Colonel Warrington to Sir John Ommanney.

SIR, *Tripoli, November* 2, 1841.

I HAVE the honour to acknowledge your Excellency's Despatch of the 27th ultimo.

When I addressed you on the 23rd ultimo I was in full belief that I should have heard from Abgelleel before Her Majesty's brig "Savage" returned from Malta, which, I am sorry to say, is not the case. My wish to go to Benoleed, where Safe il Nurser is, was my first object, and Zafran, in the Syrtis, is the nearest port, distant six days, being two days more than from Tripoli. The Pacha Askar has gained some advantages in the vicinity of Zafran, which would now render the communication difficult, especially when we see the Pacha is so hostile to it. It is true Safe il Nurser would send horses, camels, &c., for me; but then he would conceive the British flag would be responsible; and of course it is my duty to avoid compromising it in any way. The lower part of the Syrtis is under the control of Abgelleel, but then the difficulties and distance renders a journey impracticable.

I should have been ready to embark for the Syrtis on the return of the brig, had these circumstances not occurred; but now I should consider myself highly culpable if I were to embark under the belief, if not a certainty, that I should return to Tripoli without having been able to accomplish the object.

The fact is, your Excellency, this Pacha is a perfect fanatic, and his hatred to Christianity is beyond all bounds: and I much fear that during his reign no advancement can be made in commerce, civilization, or the bettering the condition of the suffering slave, all of which, I pledge my word, will be soon or late effected.

I have explained our position to Lieutenant Commanding Bowker, and, under the existing circumstances, he coincides with me, that it would be folly to detain the "Savage," without even a probability of success, at the present time.

I also now hear that Abgelleel is returned to Mourzouk, owing to his son having been killed.

I have, &c.
(Signed) H. WARRINGTON.

Rear-Admiral Sir John Ommanney, K.C.B.
&c. &c. &c.

No. 125.

The Earl of Aberdeen to Colonel Warrington.

Foreign Office, December 27, 1841.

Circular for all laws upon Slave Trade.
(See No. 14.)

TUNIS. (*Consular.*)

No. 126.

Viscount Palmerston to Sir Thomas Reade.

Foreign Office, March 18, 1841.

I HEREWITH transmit to you a copy of a communication received at this office from the Colonial Department, reporting the circumstances under which the Greek brig "*Miltiades,*" with 14 negro slaves on board, has been detained at the port of Argostolo, in Cephalonia.

From these Papers you will perceive, that, upon the examination of the persons on board the "*Miltiades,*" it appeared that the contract for the freight of 13 of these slaves was made at the house of one Gaspari, who is stated to be employed as British Vice-Consul, or agent, at Goletta, in the bay of Tunis.

It appears further, that Gaspari was present at this transaction, that he was even proposed as a guarantee for the embarkation of the slaves, and must have known of their embarkation.

I have therefore to desire that you will desist from employing M. Gaspari any longer as British Vice-Consul or agent, and that you will, at the same time, let him know the reason why he is discharged from this employment.

I have, &c.

(Signed) PALMERSTON.

Sir Thomas Reade,
&c. &c.

Enclosure in No. 126.

Mr. Stephen to Viscount Palmerston.

February 19, 1841.

(See p. 24.)

No. 127.

Sir Thomas Reade to John Backhouse, Esq.

Tunis, February 27, 1841.

SIR, (*Received April* 6.)

I HAVE the honour to inform you that I have received a letter from Major Fraser, the secretary of the Lord High Commissioner of the Ionian Islands, copy of which is enclosed, stating that a Greek brig had lately been forced into the port of Cephalonia on her voyage from this place to Candia; That the Sanitá authorities there discovering that there were negro slaves secreted on board, she was consequently detained.

I have called upon M. Gaspari, the agent of all the consulates here, stationed at the Goletta, from whence all ships take their departure, to give me every information in his power regarding this case; and he informs me that it is not true, as stated by the captain of the brig, that the arrangement between the captain and the slave-merchant here was made in his office in the presence of an officer commanding a French corvette; and that he knows nothing whatever regarding the embarkation of these slaves.

It appears that this vessel was furnished with papers by the Tuscan consu-

late, nominally under Russian Protection; and, as I have had the honour before of reporting to you, that it is from the Tuscan consulate alone that ships with slaves on board have received their papers, except in one solitary instance of a Sardinian vessel, which I mentioned in my Despatch, dated the 29th of June last, in which Despatch I likewise stated that Mr. Gaspari had informed me that he had received orders from the Tuscan Consul *not to place any more blacks upon ships' papers* furnished by that consulate, but that he received no further instructions whatever; and, therefore, it appears very clear to me, that the mere order not to place the names of blacks in the papers is not sufficient to check this infamous traffic. I myself have given directions to Mr. Gaspari, from the first, that he was not upon any account whatever to place confidence in the assertions of the captains, of Greek vessels or others, furnished with papers from the British Consulate, "that they had not slaves on board," but that he was himself to visit the vessels strictly, upon their departure, to put it beyond a doubt that no slaves were absolutely embarked, and that, if he had any reason to suspect that any were secreted on board, or that it was the intention of the captain to take them on board after sailing from the Goletta, he was upon no account whatever to permit the vessel to sail, but to bring the captain to me immediately; and unless similar orders are given to Mr. Gaspari from every Consulate here, I fear that slaves will continue to be conveyed from this in Greek vessels, except such as are provided with papers from the British Consulate. If Mr. Gaspari had been furnished with such instructions it is impossible that the slaves in question could have been embarked on board the Greek brig named in Major Fraser's letter.

I have, &c.
(Signed) T. READE.

J. Backhouse, Esq.,
&c. &c.

Enclosure in No. 127.

The Secretary of the Lord High Commissioner to Sir T. Reade.

SIR, *Corfu, January* 22, 1841.

A BRIG called the "*Milziade*," under Greek colours and bound from Tunis to Candia, was lately driven into the harbour of Cephalonia. The Sanitá authorities there discovering that there were negro slaves secreted on board, she was detained, and the circumstance reported to me for the information of the Lord High Commissioner.

From the proceedings in this case it appears that the arrangement between the captain of the brig and the slave-merchant at Tunis was actually made in the office of Signor Gaspari, who is employed by you and several other consuls as agent at the Goletta, and in the presence of the officer commanding a French corvette.

I have therefore been directed by the Lord High Commissioner to inform you of this circumstance, in order that you may take such measures as you may think proper in regard to Mr. Gaspari.

I have, &c.
(Signed) J. FRASER,
Secretary to the Lord High Commissioner.

(A true copy.)
(Signed) T. READE.

Sir Thomas Reade,
&c. &c.

No. 128.

Viscount Palmerston to Sir T. Reade.

Foreign Office, May 8, 1841.

Circular against holding or being interested in Slave Property.
(See No. 43.)

No. 129.

Sir Thomas Reade to Viscount Palmerston.

Tunis, April 30, 1841.
(*Received June* 8.)

My Lord,

I have long been seeking a favourable opportunity to converse with his Highness the Bey upon the subject of slavery existing in this Regency, in order to induce him to put some sort of check upon it, however trifling in the first instance; and I have used every possible influence which I possess with the principal Moors about the Bey to persuade them to render me some assistance in the object I had in view; but seeing all my exertions thrown away in my recourse to these Moors, and finding yesterday a good opening for mentioning the subject myself personally to his Highness, I did not fail to avail myself of it.

I explained to his Highness that most of the European Powers had come to a fixed resolution to omit no means or efforts to put a final stop to the infamous traffic of dealing in slaves; and I was proud to say that Great Britain had ever been the foremost to bring about this most humane and desirable object, to obtain which she had made greater sacrifices than any other nation.

I stated to his Highness that it was a subject of the deepest regret to my Government to find that such facilities had hitherto existed in transporting slaves from this Regency to the other Turkish possessions; and I ventured to assure his Highness that, if he could find any possible method of checking it, it would, I was convinced, be truly gratifying not only to the British Government itself, but to the British nation generally; and it is with the highest satisfaction that I now have the honour to inform your Lordship that his Highness, after having listened most attentively to my suggestions, said, "I will immediately comply with your wishes, and do everything in my power to put a stop not only to the exportation of slaves, but to slavery altogether."

It is impossible for me to express to your Lordship the feelings of unbounded gratification which I felt at the moment his Highness replied to me; and in offering my sincere acknowledgments to him for the prompt and noble manner with which he had met my views, I assured him that I could likewise venture to offer to him, in anticipation, the same feelings of satisfaction on the part of your Lordship.

After leaving the palace of the Bey, I had not returned to my house more than two hours when I received a letter from his Highness on the subject; and I beg leave to enclose a copy of it, with its translation, as well as a copy of my answer in acknowledging the receipt of it.

Your Lordship will perceive that his Highness has not only prohibited the exportation of slaves, but has also liberated every slave in his own establishment, and has promised to use every possible means in his power to put an end to slavery altogether.

It is a Letter, I conceive, which does the greatest honour to the Bey, for I look upon it as the death-blow to slavery in this Regency; and when it is considered how obstinately his Highness would have been opposed, had he previously communicated his intentions, in however slight a degree, to the principal Moors about him, many of whom possess immense property in slaves, or possibly in the case of his having referred the question to the Ottoman Porte, he merits, in my opinion, every possible encomium that can be bestowed upon him.

I cannot conclude without informing your Lordship how much I am indebted to the Chevalier Raffo for the warm and effective assistance I received from him upon the occasion. In fact, he seconded and supported my suggestions in the most ample manner; and I have now only to trust that my conduct on this occasion will meet with your Lordship's approbation.

I have, &c.
(Signed) T. READE.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

First Enclosure in No. 129.

(Translation.)

The Bey of Tunis to Sir T. Reade.

De la part du serviteur de Dieu, Ahmed Bassa Bey, Prince du Gouvernement Tunisien, à notre Allié le Chevalier Thomas Reade, Consul-Général de Sa Majesté Britannique à Tunis.

ENSUITE de la conversation que nous avons eu au sujet de l'embarquement d'esclaves nègres pour en faire commerce, nous devons vous faire connaître, ô notre ami, que les principes sacrés de la création s'y refusent, et notre cœur bat de pitié toutes les fois que nous en écoutons le récit.

Quant à nous, dans notre individuel, nous n'avons pas même un esclave selon les lois qui regardent la servitude des esclaves, qu'on vend et qu'on achète comme s'ils étaient des animaux ; parceque dans notre religion les restrictions à ce sujet sont si sévères, qu'il se rend très difficile d'en maintenir les conditions.

Nous sommes du nombre de ceux qui admirent les opinions du Gouvernement Anglais à ce sujet ; et la nôtre à ce propos est en accord avec celles de notre ami, le parfait, le politicien, le Ministre, Lord Palmerston, et je la regarde comme un effet de sa perfection et de la bonté de sa morale.

Nous défendons donc à présent l'exportation d'esclaves de notre Régence pour en faire un commerce.

Nous dirigerons notre attention à affaiblir ce commerce, qusqu'aux dernières limites de nos efforts ; et puisse Dieu extirper ce trafic du monde !

Nous en esperons la récompense du Dieu qui nous créa et qui les créa, et qui accorda à tous le don du jugement, Notre dêsir est que vous fassiez connaître à notre ami le Ministre susdit le contenu de notre présente lettre.

Conservez vous dans la croyance de Dieu !

Ecrite le 9 de Rabih, 1257.
(29 Avril, 1841.)

(Translation.)

On the part of the servant of God, Ahmed Bassa Bey, Prince of the Government of Tunis, to our Ally Sir Thomas Reade, Her Britannic Majesty's Consul-General at Tunis.

AFTER the conversation we have had on the subject of the shipment of negro slaves for purposes of commerce, we must acquaint you, O friend, that the sacred principles of creation are repugnant to it, and our heart throbs with pity whenever we hear mention made of it.

As for ourselves individually, we have not a single slave, according to the law relative to the servitude of slaves, who are purchased and sold as if they were animals, because in our religion the restrictions on the subject are so severe that it is very difficult to preserve the conditions.

We are of the number of those who admire the opinions of the English Government relative to this subject; and ours are in accordance with those of our friend, the perfect, the politician, and minister, Lord Palmerston; and I look upon them as an effect of his perfection and the goodness of his principles.

We, therefore, from the present time, prohibit the exportation of slaves from our Regency for the purposes of commerce.

We will direct our attention to the means of enfeebling this commerce to the utmost limits of our efforts, and pray God to extirpate it from the world!

We trust that God, who created us and them, and who bestowed the gift of judgment upon all, will reward us for it. We desire you will communicate to our friend, the above-named minister, the contents of this letter.

Continue in the belief of God!

Written on the 9th of Rabih, 1257.
(29th of April, 1841.)

Second Enclosure in No. 129.

Sir Thomas Reade to the Bey of Tunis.

ALTEZZA, *Tunis,* 30 *Aprile,* 1841.

POCHI furono gli avvenimenti della mia vita, che m' inspirarono una gioja eguale a quella da me risentita, alla ricezione della lettera di cui l'Altezza Vostra

mi ha onorato in data di jeri, e non so trovare nessuno che potesse reflettere tanta gloria al suo nome, quanto i sentimenti ivi espressi.

La prontezza colla quale l'Altezza Vostra abbracciò l'idea di proibire l'esportazione di schiavi dal suo regno, e' degna della borta' del suo cuore, delle migliore pagine della storia ; corrisponde alle mie nozioni del suo carattere, e prova quanto il suo spirito sia superiore agli elementi su aci regna.

Possa l'Altezza Vostra promuovere sempre la felicitá del suo popolo, compiere tutti i miglioramenti ch' ella ha in vista, e seguire infine l'impulsione del suo curore, estirpando dai suoi stati il commercio sul genere umano!

L'ammirazione dell' universo ricompenserà l'Altezza Vostra dei suoi sforzi nella causa dell' umanita ; e l'approvazione della sua coscienza fará eco alla gratitudine del mondo civilizzato, alle benedizioni di una infelice schiatta.

Gradisca intanto l'Altezza Vostra i miei voti per la sua ruiscita in una carriera uguale ai progressi del mondo, e degna del suo genio : e finche Lord Palmerston non mi onori dei suoi comandi speciali sul proposito, mi permetta l'Altezza Vostra di esprimerle tutta la simpatia e la stima, che va ad aggiungersi dalla sua presente misura all' amicizia del Governo di S. M. verso l'Altezza Vostra.

Ho l'onore, &c.
(Firmato) T. READE.

(True Copy.—T. READE.)

(Translation.)

YOUR HIGHNESS, *Tunis, April* 30, 1841.

FEW events of my life have inspired me with a joy equal to what I felt on the receipt of the letter with which your Highness honoured me, dated yesterday, and I know of nothing that can reflect so much glory upon your name as the sentiments therein expressed.

The promptness with which your Highness embraced the idea of prohibiting the exportation of slaves from your Regency is worthy of the goodness of your heart, and of being recorded in the best pages of history : it agrees with my notions respecting your character, and proves how much your spirit is superior to the elements over which you reign.

May your Highness ever promote the happiness of your people, complete all the improvements you have in view, and finally follow the impulse of your heart, in extirpating from your dominions the trade in the human species !

The admiration of the universe will recompense your Highness for your efforts in the cause of humanity ; and the approbation of your conscience will re-echo the gratitude of the world and the blessings of an unhappy race.

Accept, your Highness, in the mean time, my prayers for your rise in a career prportioned to the progress of the world, and worthy of your genius. And until Lord Palmerston shall honour me with his special commands on the subject, permit me, your Highness, to express to you all the sympathy and esteem which your present measure will add to the friendship Her Majesty's Government entertains for your Highness.

I have, &c.
(Signed) T. READE.

No. 130.

Sir Thomas Reade to Viscount Palmerston.

Tunis, May 12, 1841.

(Extract.) (*Received June* 8.)

SINCE my Despatch of the 30th ultimo, I have had a conversation with the Chevalier Raffo, and he has assured me that the Bey, according to his promise, has already issued strict orders prohibiting the exportation of slaves from his dominions, and that His Highness has liberated the whole of the slaves of his own establishment. The Chevalier remarked to me, " That this is only the beginning of the affair : you will see that His Highness will keep his word faithfully, and that, if he had it in his power, he would at once liberate every slave in the Regency. But unfortunately he is not rich enough to do so. He is determined, however, to put an end to the Slave Trade."

No. 131.

Viscount Palmerston to Sir Thomas Reade.

(Extract.) *Foreign Office, June* 22, 1841.

YOUR Despatch of the 12th ultimo has been received and laid before the Queen; and I have received Her Majesty's commands to desire that you will thank His Highness the Bey of Tunis in the most handsome terms for the steps he has taken to abolish Slave Trade and slavery within his regency. You will assure the Bey that nothing could tend to interest the English nation in his favour so strongly as a continuance in this course, and as the complete abolition of slavery in the regency of Tunis.

You will state that His Highness may confidently rely upon the friendship and good offices of England as long as he pursues the wise and prudent course which he has hitherto followed.

No. 132.

Viscount Palmerston to Sir Thomas Reade.

SIR *Foreign Office, June* 23, 1841.

WITH reference to the doubt expressed in your letter of the 27th February last, whether Mr. Nyssen had any authority from the Russian Government to act as Russian Consul at Tunis, I herewith transmit to you, for your information, a copy of a Despatch from Mr. Bloomfield, Her Majesty's acting Minister Plenipotentiary at St. Petersburgh, upon this subject.

I have, &c.

Sir Thomas Reade, &c. &c. (Signed) PALMERSTON.

Enclosure in No. 132.

Mr. Bloomfield to Viscount Palmerston, dated May 29, 1841.

(See Class C, No. 115.)

No. 133.

Viscount Palmerston to Sir T. Reade.

Foreign Office, July 31, 1841.

Circular transmitting Greek law prohibiting Slave Trade.

(See No. 44.)

No. 134.

Sir T. Reade to Viscount Palmerston.

Tunis, June 4, 1841.

MY LORD, (*Received August* 9.)

I HAVE the honour to acknowledge the receipt of your Lordship's Despatch dated the 18th of March last, directing me to desist from employing M. Gaspari as my agent at the Goletta, in consequence of his name being implicated in an embarkation of slaves from this place, on board a Greek vessel called the "*Mil-*

tiades," and I beg to inform your Lordship that those instructions have been carried into effect.

In communicating them to M. Gaspari, I pointed out to him the absolute necessity which, in my opinion, existed for clearing his name from this improper transaction. But I regret to say that up to this moment, although he denies having had anything to do in it, he has not produced to me any testimony sufficient to exculpate himself; I am of opinion, however, that there was a total want of vigilance on the occasion of the slaves being embarked on board the Greek brig "*Miltiades*;" for if the Tuscan Consul, from whose consulate the vessel was despatched, had given decisive and rigorous orders to M. Gaspari, as mentioned in my Despatch of the 27th of February last, it could not have happened. By this, however, I do not mean to state that M. Gaspari was the less blameable—because I myself, during the two years previous to this transaction, had not failed to call him before me very frequently indeed, to caution, and recommend him, in the strongest manner, to use every means in his power to prevent the embarkation of slaves, and not to shut his eyes upon such proceedings.

In a conversation I have had with the Chevalier Raffo, he informed me that M. Gaspari had applied to the Minister of the Bey, to obtain for him from the merchant who was the proprietor of the slaves embarked in the "*Miltiades*," a certificate stating that he, M. Gaspari, was not implicated in the transaction.

The Minister, in consequence, asked the merchant to furnish a certificate, which he has done; but in place of affording that aid which M. Gaspari sought for, to exculpate himself, it, on the contrary, states decidedly that the slaves were embarked with the knowledge and even by the means of M. Gaspari.

I was so much surprised at this information that I thought it necessary to make inquiries in other quarters, whether slaves had been embarked upon other occasions; and I am informed by a person, who I conceive has good opportunities of obtaining such information, that slaves have frequently been embarked from this for Algiers; and that the Algerine agent nominated by the Bey, stationed here, has kept a regular register of such as have been embarked. I have endeavoured to obtain a certified extract from this agent's register, but have not been able to do so.

My informant, however, says he saw the register, and he recollects the four following instances contained in it:—

No. 1. The French brig schooner "*La Clorinde*," Captain J. P. Asibert, sailed from Tunis the 1st of September, 1839.

No. 2. The Neapolitan tartan "*St. Perasmo*," Captain Arcangelo Scotto, sailed the 25th of September, 1839.

No. 3. The Sardinian brig "*Giulietta*," Captain Pellegro Berlingeri, sailed the 31st of October, 1839.

No. 4. The same brig sailed the 28th of March, 1840.

And he states that the whole of these four vessels are marked in the agent's register as having had slaves on board. This being the case, I much fear that other instances have occurred, and which have been kept from my knowledge by M. Gaspari; for I conceive it to have been impossible that slaves could have been thus conveyed away without his being acquainted with it.

I regret much to add, that I have heard that slaves are admitted into the possessions occupied by the French in the Algerine territory without difficulty; and it is a fact, I believe, which can be depended upon, that a French merchant in this place, named Carcassonne, boasted of having sent slaves for sale to Constantine by land, a short time previous to the regulations lately established by the Bey, reported in my Despatch of the 30th of April ultimo, by which he had gained cent. per cent.

I have, &c.

(Signed) T. READE.

The Right Hon. Viscount Palmerston, G.C.B.,
&c. &c. &c.

No. 135.

Sir T. Reade to Viscount Palmerston.

Tunis, August 10, 1841.
(*Received September* 9.)

My Lord,

I have the honour to acknowledge the receipt of your Lordship's Despatch dated the 22nd of June, and to inform your Lordship that I lost no time in waiting upon the Bey, to convey Her Majesty's thanks to His Highness, as directed by your Lordship's Despatch.

His Highness, upon receiving the communication, appeared to me to be gratified and pleased beyond measure; and after desiring me to state to your Lordship how deeply sensible he was of the condescension of Her Majesty, he emphatically remarked—"I have had enormous difficulties to encounter in this affair; I am determined, however, to carry it out to the fullest extent; and I trust that in a very short time you will be enabled to report to your Government the result, which I am sure cannot fail to be satisfactory to Her Majesty."

I have no doubt whatever but the Bey will put a total stop to slavery in every shape; but of course it must require some little time, opposed as he is, to bring the matter to a completion.

He has already effectually stopped the exportation of slaves; and he has given notice to the slave-dealers, that after the arrival of some slaves for which they had sent commissions previous to His Highness's first steps, every black person touching his territories should be free. For my own part I beg to assure your Lordship that I shall omit no exertions to carry your Lordship's wishes into effect, and bring the affair to a happy termination.

I have, &c.
(Signed) T. READE.

The Right Hon. Viscount Palmerston, G.C.B.,
&c. &c. &c.

No. 136.

Sir T. Reade to Viscount Palmerston.

Tunis, September 7, 1841.
(*Received October* 14.)

My Lord,

In reference to my Despatch of the 10th of August, I have now the great satisfaction of transmitting herewith the translation of a letter which I received yesterday from his Highness the Bey, by which your lordship will perceive that his Highness has abolished the public slave market, the buildings of which have been pulled down, and also the sale of slaves in any public manner.

This important step, in my opinion, cannot fail to lead, and that in a very short time, to the total and entire destruction of slavery in this regency in conformity with his Highness's promise.

It is impossible for me to express in sufficient terms the indescribable satisfaction I feel in becoming the medium of the humane sentiments of the Bey. At an audience which I had with his Highness this morning, he pointed out to me his expectation of disagreeable opposition to the measures he has adopted, on the part of the Sublime Porte; but that he confidently trusted to the good offices of England to support him: and I therefore hope your Lordship will excuse the liberty I take, by recommending, in the strongest manner possible, the Bey to the most favourable consideration of her Majesty's Government, in case his Highness's suspicions should be realised.

I feel myself thus the more forcibly called upon to solicit it for him upon this occasion, having no doubt that his Highness has undertaken to adopt measures for the entire destruction of slavery in his dominions, from his sincere regard and esteem for the British Government; and it is quite manifest that his exertions have increased in a twofold manner since the arrival of your Lordship's Despatch of the 22nd of June, which holds out so great an encouragement to him.

It is very difficult to describe the sensation which the destruction of the slave market has created in Tunis.

The poor slaves are almost frantic with joy; and although their proprietors seem disposed to remonstrate with, or in some manner oppose the Bey, I feel no doubt whatever, from my knowledge of his Highness's firm character, that he will overcome these remonstrances and opposition without much difficulty.

I beg to enclose copy of the answer which I conceived proper to send to his Highness's letter.

I have, &c.
(Signed) T. READE.

The Right Hon. Viscount Palmerston, G.C.B.,
&c. &c. &c.

First Enclosure in No. 136.

The Bey of Tunis to Sir T. Reade.

De la part du Serviteur de Dieu, Ahmed Bassa Bey, &c. &c. &c., à notre Allié le Chev. Thomas Reade, Consul Général du Gouvernement Anglais à Tunis.

Vous savez combien le commerce du genre humain nous pesait, et combien il contrariait nos sentimens; notre pitié envers les pauvres esclaves n'a point cessé d'animer nos sollicitudes pour affaiblir ce commerce, et pour alléger son poids. Nous avons jugé bien d'abolir les ventes dans le marché, où le crieur public les marchandait comme des animaux, dans Tunis notre capitale aussi bien que dans toute la Régence.

Nous avons fait cesser le droit qui nous revenait sur leur vente, et nous l'avons annullée d'entre les rentes de notre Gouvernement.

Nous avons écrit dans ce sens à toutes les parties de la Régence. Dieu sait l'état de ces pauvres gens lorsque le crieur public les exposait en vente dans le marché!—et cela dans le seul objet de rétirer les droits fixés dans leur vente: quoiqu'une rente semblable devrait être méprisée par les gens qui pensent avec humanité.

Cette partie du genre humain devrait cependant jouir plus de considération que le reste des animaux. Celle-ci sera, si Dieu le permettra, une occasion d'élever leur malheureuse situation d'esclaves; en ce que elle ne causera point de perte au capital de leur propriétaire; et que, par la volonté de Dieu, dans peu de tems, la mesure sera au comble par l'abolition de cette espèce de propriété de notre Régence entière. En attendant, notre empêchement de les vendre, notre sympathie à leur état, et l'allègement de leur esclavage, nous y conduira avec l'aide de Dieu. Nous avons participé à vous seul cette nouvelle, connaîssant l'accord de vos sentimens avec les nôtres à ce propos.

Conservez vous dans la croyance de Dieu,
12 Regeb. 1257,
(6 Septembre, 1841.)
(Translation.) (Signé) T. READE.

(Translation.)

On the part of God's servant, Ahmed Bassa Bey, &c. &c. &c., to our Ally Sir Thomas Reade, Consul-General of the English Government at Tunis.

You are aware how painful the trade in the human species was to us, and how contrary it was to our feelings; our pity for the poor slaves has not ceased to excite our solicitude towards weakening that trade, and reducing its weight. We have thought proper to abolish their sale in the market, where the public crier disposed of them as of cattle, in Tunis our capital as well as throughout the Regency.

We have ceased to levy the duty which accrued to us on their sale, and have expunged it out of the revenues of our government.

We have written to that effect to all parties in the Regency. God knows the state of these poor people when the public crier exposed them for sale in the market!—and that for the sole object of deducting the fixed duties upon their sale, although such a revenue ought to be despised by persons of humane sentiments.

This portion of the human species ought nevertheless to enjoy a greater degree of consideration than other animals! The present shall be, God willing, an occa-

sion for raising them above their unhappy condition of slaves, in all such cases as shall occasion no loss to the capital of their owners, and in a short time the measure shall be complete by the abolition of this species of property throughout the whole of our Regency. In the mean time our prohibition of their sale, our sympathy for their condition, and their relief from slavery, will, with God's assistance, further our views. We have acquainted you only with these news, knowing that your feelings accord with ours on this subject.

Continue in the belief of God.

12 Regeb, 1257.
(6th September, 1841.)
(Signed) T. READE.

Second Enclosure in No. 136.

Sir Thomas Reade to the Bey of Tunis.

ALTEZZA, *Tunis, Settembre* 7, 1841.

SE in altra occasione ho appena trovato termini per esprimerle la mia ammirazione, gli atti ch' ella esercita sembrano non tendere che ad aumentare il mio imbarazzo.

Per disposizione di V. A. il negro non è più esportato, il mare più non gem del nefando commercio del genere umano; per suo ordine se ne cessa la vendita pubblica; e per sua promessa, la Reggenza non è lungi dall' essere sgravata dalla schiavitù.

Quanti titoli alla riconoscenza del mondo!

Altezza, l' emancipazione dei negri varrà alla gloria di V. A. più della conquista di un regno.

La debolezza dei negri, o la crudeltá dell' uomo, sigillavano il loro destino e gli riducevano alla condizione di bruti; il costume gli prestava la forza che suole appartenere alla legalitá. Ma Il' universo vedrá a sua consolazione, che talvolta nasce chi sà corrispondere alle intenzioni del Creatore, rendendo bianchi e neri liberi o schiavi, avanti soltanto quella legge che opprime il colpevole ed assolve l' innocente.

La tromba della maldicenza cesserá avanti tanti tropei. Il filantropo l' ammireva; lo storico comparerá i suoi sforzi all' apatìa di altre contrade; il mio governo gliene sará sempre più riconoscente; il cuore di V. A. brillera della più pura gioja; e lo schiavo reso al mondo, insegnera all' innocente sua progenie di benedire quello che ruppe i ceppi che incatenavano lui, i suoi genitori, e la sua stirpe.

Il nome di Sidy Ahmed Bassa Bey gli sará insegnato dal e mammelle, ed accompagnerá le sue preghiere nella fanciullezza e nella virilitá.

Tanti progressi in pochi anni di regno, tante difficoltá ed opposizioni sormontate, devono digiá essere di felice augurio al benefico acore di V. A. Ella ha scelto il sentiero che conduce alla pace, all' onore, alla fama di questo mondo, ed alla felicitá dell' altro. Possa V. A. tracciarlo per lunghi anni, accompagnato dai caldi voti che formo per la sua miscita.

Aggradisca, &c.
(Firmato) T. READE.

(Translation.)

Sir T. Reade to the Bey of Tunis.

YOUR HIGHNESS, *Tunis, September* 7, 1841.

IF on other occasions I have with difficulty found words to express my admiration, the acts which your Highness pursues appear to tend only to augment my embarrassment.

In consequence of your Highness's orders negroes are no longer exported; the sea no longer groans under the detestable trade in the human species; the public sale of them has ceased, and, according to your promise, the Regency will ere long be relieved from slavery.

What claims are these to the gratitude of the world!

Your Highness, the emancipation of the negroes will redound more to your glory than would the conquest of a kingdom.

The helplessness of the negroes, or the cruelty of man, sealed their destiny, and reduced them to the condition of brutes; custom lent a force to that which ought only to belong to what is lawful. But the universe will see for its consolation, that an individual is sometimes found to correspond with the intentions of the Creator, in rendering whites and blacks free or slaves, in furtherance of those laws which oppress the guilty and absolve the innocent.

The voice of malevolence will be stilled before so many trophies. The philanthropist will wonder at them; the historian will compare your Highness's efforts with the apathy of other countries; my Government will be more than ever grateful to you; the heart of your Highness will rebound with the purest joy; and the slave, restored to the world, will instruct his innocent progeny to bless him who broke the chains which bound him, his fathers, and his whole race.

The name of Sidi Ahmed Bassa Bey will be taught him from his infancy, and will be included in his prayers in childhood and in manhood.

Such progress in a reign of a few years, so much difficulty and opposition surmounted, ought certainly to be a happy augury to your Highness's beneficent heart, which has chosen the path to peace, honour, and fame in this world, and to happiness in the next. May your Highness pursue the same path for a length of years, accompanied by my earnest prayers for your welfare.

Accept, &c.
(Signed) T. READE.

No. 137.

The Earl of Aberdeen to Sir Thomas Reade.

Foreign Office, October 30, 1841.

Circular sending papers presented to Parliament.

(See No. 10.)

No. 138.

The Earl of Aberdeen to Sir Thomas Reade.

Foreign Office, December 27, 1841.

Circular asking for all Laws on Slave Trade.

(See No. 14.)

BOLIVIA.

No. 139.

Mr. Wilson to Viscount Palmerston.

Sucre, October 1, 1840.
(*Received March* 7.)

MY LORD,

I HAVE the satisfaction to announce to your Lordship that, on the 25th ultimo, I signed, at this capital, with the Bolivian Plenipotentiary, a Treaty for the Abolition of the Slave Trade of Bolivia; the which, after being approved of, on the 26th ultimo, by the senate and chamber of representatives assembled together in congress, in conformity to the 5th clause of the 38th Article of the Political Constitution of the Republic, was ratified by the Government on the 29th ultimo, that day having been purposely selected for that act in celebration of the birthday of his Excellency the President of the Republic.

I shall transmit this Treaty to your Lordship by the first safe opportunity that may offer.

And, at the time of doing so, shall solicit your Lordship's attention to the few verbal alterations of the British draft, therein introduced at the desire of the Bolivian Plenipotentiary, for the better adaptation of the sense of the text to the English and Spanish languages.

But with a view of preventing any misunderstanding upon this subject, the Bolivian Plenipotentiary and myself agreed upon the following Article, which, as in the case of the Treaty on Slave Trade between Her Majesty and the Argentine Confederation, has been annexed as a Third Additional Article to the Treaty:—

" If, in the drawing up of this Treaty in the Spanish language, any involuntary error has been made in the translation, the English text is to be adhered to."

I trust that your Lordship will approve of this proceeding.

The Bolivian Government has promised me immediately to transmit a full power to some proper person resident in London for effecting thereat the exchange of the ratifications.

Herewith are transmitted a copy and translation of a note addressed to me by the Bolivian Minister of Foreign Affairs (and likewise a copy of my reply thereto), stating that the congress, impressed with a sense of the beneficent intentions of Her Majesty in the negotiation of this Treaty, and desirous of giving to Her Majesty a proof of its deference and respect, had, at his, Mr. Linares', request, declared the consideration of the Treaty to be a matter of "urgency," consequently dispensing with certain ordinary forms which would have delayed the approval thereof several weeks.

I trust that the whole course pursued by me for bringing this negotiation to a successful conclusion will merit the approbation of your Lordship and of Her Majesty's Government.

I have, &c.
(Signed) BELFORD HINTON WILSON.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

First Enclosure in No. 139.

The Bolivian Minister for Foreign Affairs to Mr. Wilson.

Palacio de Gobierno en la Ciudad Sucre, à 26 *de Setiembre, de* 1840.

EL infrascrito Ministro de Relaciones Exteriores tiene la complacencia de poner en conocimiento del Señor Wilson, que habiendo pedido, à nombre de su Gobierno,

se dispensara el Congreso de las formalidades prescritas por su reglamento en el examen y aprobacion del Tratado para la abolicion del Trafico de Esclavos, que el infrascrito tuvo la honra de firmar el 25 del presente con el Señor Wilson, como Plenipotenciario de S. M. la Reyna del Reino Unido de la Gran Bretaña é Irlanda; el Congreso penetrado de las intenciones beneficas de S. M. la Reyna del Reino Unido de la Gran Bretaña é Irlanda y deseando darle una prueba de sus justas consideraciones y respeto, igualmente que darla de su gratitud al Señor Wilson por los nobles oficios que ejerció en favor de los prisioneros Bolivianos de las casasmatas del Peru, y de su amistad por el pueblo Boliviano, tuvo à bien acceder al ruego del infrascrito, y que habiendo declarado urgente la materia, la aprobado el dia de hoy el Tratado, en cuya virtud está dispuesto el Gobierno del infrascrito à ratificarlo el 29, por sen el cumple años de S. E. el Presidente de la Republica.

Renueva el infrascrito al Señor Wilson las seguridades de su estimacion y respeto.

(Firmado) JOSE MA. LINARES.

Al Señor Plenipotenciario de S.M.B.
&c. &c. &c.

(Translation.) *Palace of Government, in the City of Sucre, September* 26, 1840.

THE undersigned Minister of Foreign Affairs has the satisfaction of acquainting Mr. Wilson that having requested, in the name of his Government, that the Congress would dispense with the formalities prescribed by the rules thereof in the examination and approbation of the Treaty for the Abolition of the Slave Trade, which the undersigned had the honour to sign on the 25th instant with Mr. Wilson, as the Plenipotentiary of Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, the Congress, penetrated with a sense of the beneficent intentions of Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and being desirous of giving a proof of its deference and respect for Her Majesty, as also of manifesting its gratitude towards Mr. Wilson for his noble offices of humanity in favour of the Bolivian prisoners confined in the Peruvian casemates, and for his friendship towards the Bolivian nation, deemed fit to accede to the request of the undersigned; and having declared this matter to be urgent, has this day approved of the Treaty: the Government of the undersigned is, in consequence, prepared to ratify it on the 29th, on account of that day being the birth-day of his Excellency the President of the Republic.

The undersigned renews to Mr. Wilson the assurances of his high esteem and respect.

(Signed) JOSE MA. LINARES.

To the Plenipotentiary of Her Britannic Majesty,
&c. &c. &c.

Second Enclosure in No. 139.

Mr. Wilson to the Bolivian Minister for Foreign Affairs.

Sucre, September 27, 1840.

THE undersigned Chargé d'Affaires and Plenipotentiary of Her Britannic Majesty has been honoured with the receipt of Mr. Linares' Note, dated yesterday, stating that the Congress of Bolivia had, for the reasons therein set forth, approved, on that day, of the Treaty for the Abolition of the Traffic in Slaves, which the undersigned had the satifaction to sign with Mr. Linares on the 25th instant; and, finally, announcing that the Bolivian Ratification would be affixed thereto on the 29th instant, in celebration of the birth-day of his Excellency the President of the Republic.

The undersigned justly derives the highest gratification from having it in his power to transmit to his Government so classic a proof as that afforded by the Act recorded in Mr. Linares' Note, of the deference and respect entertained by the Congress and Government of Bolivia towards Her Britannic Majesty; and he will venture to assure Mr. Linares that the step taken by the Government and Congress of Bolivia upon this occasion will be fully appreciated by Her Most Gracious Majesty, as well as by Her Majesty's Government, not only on account of the flattering tribute thereby paid to the beneficent intentions of Her Majesty in the negotia-

tion of the Treaty, but likewise from its furnishing such unequivocal evidence of the sincere and cordial co-operation rendered to Her Britannic Majesty by the Bolivian nation in the glorious undertaking of putting an end to the inhuman traffic in slaves.

The undersigned fully sympathises with the generous motives which impelled his Excellency the President of the Republic to celebrate his birth-day by an act, personally, so creditable to himself, and so becoming the chief magistrate of a Christian and free people.

Finally, the honourable mention of the name of the undersigned in the Note under reply increases the motives of consideration towards Mr. Linares, which he before possessed, for the enlightened efficacy with which, as Plenipotentiary and Minister of Foreign Affairs of the Bolivian Republic, he has successfully brought to a conclusion the negotiations of this Treaty; and in like manner that circumstance augments the debt of gratitude due by the undersigned, personally, to the Congress and Government of Bolivia for the distinguished marks of kindness with which on former occasions, as well as on the present, he has been thereby favoured.

The undersigned avails himself of this opportunity to renew to Mr. Linares the sentiments of his high respect and distinguished consideration.

(Signed) BELFORD HINTON WILSON.

The Bolivian Minister of Foreign Affairs,
&c. &c. &c.

No. 140.

Mr. Wilson to Viscount Palmerston.

My Lord, *Sucre, October* 4, 1840.

I have the honour to transmit herewith a copy of the 29th number of the official gazette of Bolivia, in which is published a translation, in the Spanish language, of the Apostolical Letter promulgated on the 3rd of December, 1839, by his Holiness the Pope, on the subject of the Slave Trade.

A translation of this letter has now been inserted in public journals of the capitals of the Republics of Peru and of Bolivia, and of the cities of Arequipa and Tacna; and it is most probable that it will also be inserted in a public journal of the city of La Paz.

I have, &c.

(Signed) BELFORD HINTON WILSON.

The Right Hon. Viscount Palmerston, G.C.B.,
&c. &c. &c.

No. 141.

Viscount Palmerston to Mr. Wilson.

Sir, *Foreign Office, March* 19, 1841.

I have received your Despatch of the 1st of October, 1840, stating that on the 25th of the preceding month you had signed with the Bolivian Plenipotentiary a Treaty for the Abolition of the Slave Trade of Bolivia; that the few deviations which you had allowed to be made in it from the British draft consisted only in verbal alterations; and that the Treaty was ratified by the Bolivian Government on the 29th of September, 1840: and I have the satisfaction to acquaint you that Her Majesty's Government approve your conduct in the negotiation of that Treaty.

I am, &c.

B. H. Wilson, Esq., (Signed) PALMERSTON.
&c. &c. &c.

No. 142.

Viscount Palmerston to Mr. Masterton.

Foreign Office, April 15, 1841.

Circular sending Treaty with Argentine Confederation.

(See No. 1.)

No. 143.

Viscount Palmerston to Mr. Masterton.

Foreign Office, April 22, 1841.

Circular sending Treaty with Hayti.

(See No. 2.)

No. 144.

Viscount Palmerston to Mr. Wilson.

Foreign Office, May 11, 1841.

Proposed Instructions to Bolivian Functionaries in Slave-holding Countries.

(See No. 3.)

No. 145.

Mr. Wilson to Viscount Palmerston.

Sucre, November 2, 1840.

(Extract.) (*Received June* 3, 1841.)

I PROFIT by the first safe opportunity that has offered to transmit herewith a Treaty between Her Majesty and the Republic of Bolivia for the Abolition of the Traffic in Slaves, signed by me on the 25th of September last, constitutionally approved of by Congress on the 26th, and ratified by the Government of Bolivia on the 29th of that same month.

I also transmit herewith a copy and translation of the Report of the Committee of the Bolivian Congress upon the Treaty.

Enclosure in No. 145.

Report of the Committee of the Bolivian Congress upon the Treaty between Her Majesty the Queen of the United Kingdom of Great Britain and Ireland and the Republic of Bolivia, for the Abolition of the Traffic in Slaves; signed at Sucre on the 25th of September, 1840.

(Translation.)

SIR,

Your Commission for Foreign Affairs has had before it, and examined with much satisfaction, the Treaty for the abolition of the barbarous Traffic in Slaves, which the Government has concluded with Mr. Belford Hinton Wilson, as Plenipotentiary of Her Majesty the Queen of the United Kingdom of Great Britain and Ireland. All who possess a true spirit of liberality cannot fail to evince sentiments of gratitude and of respect towards the Illustrious Cabinet of St. James's, for the generous zeal with which it has laboured to vindicate the rights of humanity, which man himself has violated with no less barbarity than arrogance.

" A man proprietor of his fellow-man, a man converted into property!" exclaimed the father of the country to the Legislature of 1826; " an image of the Almighty subjected to the yoke like a brute beast! Let us be told from whence are derived the rights of the usurpers of the liberty of man! The Coast of Guinea has not furnished them to us; for Africa, devastated by fratricide, offers to us nought but crimes!"

Such were the ideas and the sentiments of the immortal Bolivar relative to the infamous system of slavery; and no Bolivian can feel or think differently. It is true that these principles not only form the essential part of our political faith, but are likewise recognised in the 155th Article of the Constitution of the Republic; consequently the convention which you are about to approve of is in fact nothing more than the formal stipulation in a public treaty of a constitutional article. This is the essence of the negotiation, whilst its entire details are merely confined to insure that its operation be not frustrated by the machinations of avarice.

The Slave Trade being proscribed and abolished by the nations of Europe, the infamous speculators therein have had recourse to the flags of the new states of America for the purpose of covering under those flags their criminal traffic, and it has consequently become indispensable for Great Britain, deeply interested in this matter, to conclude treaties with the American Governments conceding to her the right of searching the ships which sail under their respective flags. This right is recognised by the Treaty which the Government has just signed; and although it is mutual to the two high contracting parties, it will not be so in practice, for Bolivia has no navy, neither will she for many years to come possess cruisers wherewith to search British vessels on the coast of Africa. But at all events, so soon as the Republic shall form a navy, this stipulation will become reciprocal.

It being declared by the treaty that the Traffic in Slaves carried on by the subjects of either of the two contracting nations is a crime of piracy, a Mixed Court composed of citizens of the two states, and paid for by both, is established for the adjudication of such cases. It is also stipulated that the captives who may be found on board piratical vessels are to be placed at the disposal of the Government to whom belongs the cruiser that has made the prize: and in respect to this stipulation the Commission repeats that which it before has indicated, namely, that as Bolivia has no cruisers on the coast of Africa she cannot make prizes, and in consequence is under no obligation to aid in the formation of the Mixed Court, nor to incur any expense on account of captured slaves, over whom the Government to whom belongs the capturing cruiser will exercise the right of guardianship, with the object of securing to them in future the enjoyment of their liberty.

By an express stipulation therefore, in the additional Articles, the Republic is exempted from all expenses on this account; and the Government of Her Britannic Majesty binds itself alone to pay all expenses which may be thereon incurred. The literal meaning and intent of this Article is, that Bolivia thereby acquires the right of aiding in the formation and payment of the Mixed Tribunal, without however contracting an obligation to do so. It is therefore just and very honourable to the venerable and enlightened Government of Her Britannic Majesty that, taking upon itself alone the charge of the whole outlay required for the abolition of the Slave Trade, it should at the same time reap the glory of restoring to the enjoyments of social life the unfortunate victims of depravity and avarice. The Commission consequently submits to your examination the following project:—

The Senate and Chamber of Representatives of the Bolivian Nation, assembled together in Congress, decree the following law:

Sole Article.—The Treaty for the abolition of the Traffic in Slaves which the Government of the Republic has concluded, on the 25th of September of the present year, with Mr. Belford Hinton Wilson, Plenipotentiary of Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, is hereby approved of.

Let this law be communicated to the executive power for its ratification; and in order that it may direct the same to be published and fulfilled.

City of Sucre, September 26, 1840.

(Signed) LOAYZA. CORDOVA.
BUITRAGO. OSIO.
CAMACHO. URQUIDI.
BACAFLOR.

JUSTINIANO JIMENES,
Secretary.

True Copy of the Report of the Commission.

(Signed) JOAQUIN DE AGUIRRE,
Senator Secretary.

In honour of the Bolivian nation it appears proper herein to record that the Congress, upon the suggestion of the Minister of Foreign Affairs, declared the consideration of this Treaty to be a "matter of urgency," thereby dispensing with the usual formalities requisite in the formation of laws: and immediately upon the presentation, on the 26th instant, of the foregoing report and project of law, both were unanimously approved of and constitutionally sanctioned by Congress.

The ratification to the Treaty was in consequence affixed by the Government on the 29th, to commemorate by so solemn and glorious an act the birth-day of his Excellency the President of the Republic.

BOLIVIA.

No. 146.

Mr. Wilson to Viscount Palmerston.

Sucre, November 2, 1840.
(*Received June* 3, 1841.)

(Extract.)

I HAVE the satisfaction to transmit herewith the Bolivian ratification to the Treaty which I signed with the Bolivian Government in this capital, on the 25th of September last, for the abolition of the Traffic in Slaves.

No. 147.

Mr. Wilson to Viscount Palmerston.

Sucre, November 10, 1840.
(*Received June* 3, 1841.)

MY LORD,

I HAVE the satisfaction of transmitting herewith a copy and translation of a note which, under date of the 6th instant, has been addressed to me by the Bolivian Minister of Foreign Affairs, covering the copy of the project of a law initiated by his Government in the Senate, for carrying into due effect that part of the stipulations of the Treaty on Slave Trade between Her Majesty and the Republic of Bolivia which declares the crime of Slave Trade to be Piracy, and directs the establishment of Mixed Courts of Justice for the trial of such offences.

I likewise herewith forward a copy and translation of that project; and should your Lordship be desirous of procuring any modifications thereof, your Lordship's suggestions would doubtless be favourably considered by this Government, with a view to their adoption; and as the next Congress will not assemble until the 6th of August, 1841, and will remain sitting for two and possibly for three months, such suggestions, if immediately forwarded to Sucre, on the receipt of this Despatch, would probably be received thereat in time to be acted upon prior to the passing of the present project.

I trust that your Lordship will approve of a note, a copy of which is herein enclosed, which I have deemed it but common justice to address to Mr. Linares, expressive of my grateful sense of the earnestness and efficacy of the endeavours of his Government to bring to a successful conclusion its negotiations with me, and more especially the negotiation of the Treaty in question.

I have, &c.

(Signed) BELFORD HINTON WILSON.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

First Enclosure in No. 147.

General Linares to Mr. Wilson.

(Translation.)

Palace of Government in Sucre, November 6, 1840.

THE Undersigned, Minister of Foreign Affairs, has the honour to transmit to Mr. Wilson the copy of a project of law, initiated by his Government, declaring (in conformity with the Treaty for the Abolition of the Traffic in Slaves, concluded on the 25th of last September with the Government of Her Majesty the Queen of the United Kingdom of Great Britain and Ireland) the said traffic to be a crime of Piracy, and enacting the punishment to which it is to be subjected in this Republic.

The project likewise declares that the port of La Mar is to be the place of residence of the Mixed Tribunal established by the Treaty, for taking cognizance of the causes relative to the Slave Trade.

The Government of the Undersigned has hastened to initiate the project without waiting for the ratification of the Treaty on the part of the Government

of her Majesty, because it does not for a moment doubt that it will be obtained; and because it has wished in this manner to give a proof of his desire to finish, on its part, a work which does so much honour to the Government of Her Majesty.

The Undersigned thinks it proper also to remark to Mr. Wilson that in the project the penalty of death has not been enacted, because the Constitution of the Republic only permits it in cases of treason against the country, rebellion, parricide, and assassination, forbidding it to be applied to other cases; and as, according to the penal laws in force in Bolivia, the greatest punishment next to death is that of ten years' imprisonment with hard labour ("Presidio"): with that, according to the project, the crime of Piracy is to be punished.

The Undersigned renews to Mr. Wilson the sentiments of his distinguished esteem.

(Signed) JOSE MARIA LINARES.

Belford Hinton Wilson, Esq.
&c. &c. &c.

Second Enclosure in No. 147.

Project of Law.

(Translation.)

THE Senate and Chamber of Representatives of the Bolivian nation decree the following Law.

Article 1.

In conformity with the stipulations of the Treaty for the Abolition of the Traffic in Slaves, concluded between the Republic and Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, the said traffic is declared to be a crime of Piracy.

Article 2.

Besides the punishments established by the Treaty, the perpetrator of the crime of Piracy shall suffer ten years of imprisonment and hard labour ("Presidio"). The other criminals shall be punished with the same penalty; observing, as to time, the scale and proportion established by the penal code for the class of offence corresponding.

Article 3.

The port of La Mar shall be the place of residence for the Mixed Tribunal established by the said Treaty.

Article 4.

The 174th* Article of the penal code is abrogated.

Let it be communicated, &c.

A true copy. (Signed) LINARES.

Third Enclosure in No. 147.

Mr. Wilson to General Linares.

Sucre, November 7, 1840.

THE Undersigned, Her Britannic Majesty's Chargé d'Affaires, has been honoured by the receipt of the several notes, numbered and dated as in margin, which have been addressed to him by Mr. Linares, upon the subject of the

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* The following is a translation of the 174th Article of the Penal Code of Bolivia, directed to be repealed by the 4th Article of the above Project:—

"Those who shall introduce slaves into Bolivia by sea or land shall suffer two or four years of imprisonment ("reclusion"), and a fine equivalent to the sixth part of the value of the said slaves, they becoming free. Those who shall knowingly purchase slaves thus introduced shall undergo the same punishment, the said slaves becoming free."

negotiations which have been carried on between the Bolivian Minister of Foreign Affairs and the Undersigned subsequent to his arrival at this capital.

Upon the eve of returning to Lima, the Undersigned would be wanting in the discharge of a grateful duty were he not to profit by the present opportunity of offering, through the worthy channel of Mr. Linares, to the Government of the Republic of Bolivia, his most sincere acknowledgments for the enlightened benevolence with which it has more closely cemented the relations of intimate friendship and commerce which, with mutual benefit to both nations, so happily subsist between Great Britain and the Republic of Bolivia.

Above all, the generous interest displayed by Mr. Linares to procure the immediate exchange of the ratifications of the Treaty for the Abolition of the Traffic in Slaves, as well as the measures he has initiated in the senate to give effect to the stipulations of that Treaty, will be fully appreciated, the Undersigned will venture to assure him, by the Government of Her Majesty as a classic proof of the good faith and enlightenment of the Government of His Excellency the President, General Velasco, upon a question of such vital interest to the humanity and to the civilization of whole Christian world.

The Undersigned trusts that Mr. Linares, in laying this note before his Government, will also deign to accept the personal acknowledgments which are due to him for the efficacy and noble frankness which have characterized all his acts with the Undersigned, who gladly seizes this opportunity to renew to Mr. Linares the assurances of his high respect and distinguished consideration.

(Signed) BELFORD HINTON WILSON.

The Bolivian Minister of Foreign Affairs,
&c. &c. &c.

CENTRAL AMERICA.

No. 148.

Viscount Palmerston to the British Consuls.

Foreign Office, April 15.

Circular sending Treaty with the Argentine Confederation.

(See No. 1.)

No. 149.

Viscount Palmerston to the British Consuls.

Foreign Office, April 22.

Circular sending Convention with Hayti.

(See No. 2.)

No. 150.

Viscount Palmerston to British Consuls and Vice-Consuls.

Foreign Office, May 8.

Circular against holding or being interested in Slave Property.

(See No. 43.)

No. 151.

Earl of Aberdeen to British Consuls and Vice-Consuls.

Foreign Office, October 30.

Circular sending Papers presented to Parliament.

(See No. 10.)

No. 152.

Earl of Aberdeen to British Consuls and Vice-Consuls.

Foreign Office, December 27.

Circular for all Laws on Slave Trade.

(See No. 14.)

CHILE.

No. 153.

The Hon. J. Walpole to Viscount Palmerston.

(Extract.) *Santiago, October* 18, 1840.

THE Constitutional Congress closed their session and their labours at the accustomed period.

Among those matters which merited the attention of the Lower Chamber, since it had already in the session of 1839 been approved by the Senate, but which has equally shared in its neglect, is the Treaty with Great Britain for the Abolition of the Slave Trade.

I had already received from the late Minister for Foreign Affairs, Don Joaquin Tocornal, divers notices of the intention of the Government, viewing the unproductive progress of the Legislative session, to summon at an early period an Extraordinary Congress, to which, by the constitutional law, it is alone permitted to treat of and to discuss subject-matter submitted by the Government to their consideration, and that, should this intention be realized, the Slave Trade Treaty would be strongly recommended to, and the approbation of it by the Chamber actively promoted by, the Government.

I had also, early in the month of September, received from the present Foreign Minister, in reply to a formal question submitted to him, authority officially to declare to you the intention of this Government to summon the Congress at the commencement of the month of November, and therein to further the conclusion of the Treaty. This has again been confirmed to me by the Minister of Finance, Don Joaquin Tocornal.

No. 154.

The Hon. J. Walpole to Viscount Palmerston.

Santiago, November 1, 1840.
(Received February 16.)

MY LORD,

I HAVE had the honour to receive your Lordship's Despatch, covering two copies of a treaty concluded at Caraccas between Her Majesty and the Republic of Venezuela for the abolition of the Slave Trade.

I have, &c.
(Signed) JOHN WALPOLE,
Consul-General.

The Right Hon. Viscount Palmerston, G.C.B.,
&c. &c. &c.

No. 155.

The Hon. J. Walpole to Viscount Palmerston.

Santiago, November 14, 1840.
(Received February 20.)

MY LORD,

I HAVE had the honour to receive your Lordship's Despatch, covering an apostolical letter promulgated by HisHoliness the Pope on the subject of the Slave Trade.

Your Lordship may rely on my availing myself of the earliest occasion which may offer for the insertion of that paper in the public journal of this city, and that I shall adopt those measures which may appear most suitable for making its contents generally known.

I have, &c.
(Signed) JOHN WALPOLE,
Consul-General.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

No. 156.

The Hon. J. Walpole to Viscount Palmerston.

Santiago, November 20, 1840.
(*Received February* 20, 1841.)

My Lord,

I avail myself of the short space allotted to me previous to the sailing of Her Majesty's ship "Actæon" for Panamá, to acquaint your Lordship of the receipt on the 12th instant of your Lordship's Despatch, dated March 4, together with a box containing Her Majesty's ratification of the Treaty for the Suppression of the Slave Trade, as concluded and signed by the respective plenipotentiaries on the 19th of January, 1839, and directing that the same should be exchanged against a similar instrument ratified by the President of this Republic.

In the fulfilment of this latter I foresee no difficulty on the part of this Government; but you will permit me to state that the additional Article, which I had the honour to announce to your Lordship, in my Despatch marked Slave Trade, of September, 1839, as having been insisted on by the Chilian Senate, limiting the duration of the treaty to a period of ten years, has not therein been noticed.

As no mark of disapprobation of the proceeding which I at the same time stated as my intention to adopt in regard to the above provision has reached me, I consulted with my colleague in this transaction on the best mode of supplying this deficiency without having recourse to the inconvenient measure of a new treaty; and, in consequence, it was agreed between us to enter into a convention, the substance of which your Lordship will find in the enclosed paper and its translation, in which are stipulated the duration of the Treaty for ten years, and the prorogation of the term fixed in the original Treaty for the exchange of the ratification.

I apprehend, my Lord, and the Minister for Foreign Affairs is in the same conviction, that the powers of which I already have the honour to be possessed are amply sufficient to authorize me in proceeding to the termination of this negotiation.

I have, &c.
(Signed) JOHN WALPOLE,
Consul-General.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

Enclosure in No. 156.

(Translation.)

Draft of Convention.

N. and N., animated always with the most lively desire to co-operate for the abolition of the traffic in slaves in all parts of the world, and to avoid renewed delays in the fulfilment of the obligations which they had mutually resolved to impose on themselves by the Treaty signed on the 19th of January, 1839, which unhappily could not be carried into effect, the period designated for the exchange of the ratifications having expired, have agreed to proceed to the celebration of a convention which may give full force and vigour to all which shall not be expressly altered by it in the stipulations contained in the said Treaty.

For this purpose they have named for their plenipotentiaries N. N. and M. M., who, having mutually communicated their full powers and found them in due form, have regulated and agreed to the following articles:—

Article 1.

The two high contracting parties recognise as valid and subsisting all the obligations which it was their intention respectively to contract by all and each of the articles of the Treaty of the 19th of January, 1839, to co-operate for the effectual and complete abolition of the Slave Trade, and by all and each of the annexes marked A, B, and C, and by the two separate articles thereunto adjoined, which, as therein stipulated, ought and are to be considered as integral parts of the above-mentioned Treaty; all of which is understood to be with the exceptions and modifications which shall hereafter be expressed.

In virtue of this the two high contracting parties agree and stipulate, in the most positive and conclusive manner, that it is their desire to be bound, and they are hereby bound, formally and solemnly, by all and each of the clauses of the Treaty referred to, and of the annexes, and of the separate articles, so far as they may respectively regard them according to, and as they are expressed in, the copy in the Spanish language which shall be ratified simultaneously with the present convention by the President of the Republic of Chile, and in the copy in the English language ratified separately on the by Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, the same as if the above-mentioned Treaty formed an integral part of the present Convention, and was inserted word for word in it; saving, however, the exceptions and modifications hereafter expressed.

Article 2.

The above-mentioned Treaty of the 19th of January, 1839, shall be obligatory on the two high contracting parties alone for the term of ten years, reckoned from the date of the exchange of the ratifications of the present Convention; it being well understood that if, previous to the expiration of the said term of ten years, neither of the two high contracting parties shall notify to the other its intention to put an end to the said Treaty, it shall remain in full force and vigour for a period undefined, and it shall alone cease to exist, and shall be considered to terminate at the expiration of one year, reckoned from the date of the notification made by one of the high contracting parties to the other in manifestation of its desire to put an end to the said Treaty.

Article 3.

The before-mentioned Treaty and the present Convention shall be ratified by the President of the Republic of Chili, and the present Convention shall be so by Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and the ratification of both shall be exchanged within one year from the date of the present Convention, or before, if possible.

In faith of which, &c.

No. 157.

Viscount Palmerston to the Hon. John Walpole.

SIR, *Foreign Office, March* 16, 1841.

I HAVE received your Despatch of the 20th of November, 1840, enclosing a paper containing the substance of a stipulation which you had consented to enter into with the plenipotentiary of Chile for limiting to a period of ten years the duration of the Treaty already concluded by you and the Chilian plenipotentiary on the 19th of January, 1839.

But I have to refer you to my Despatch of the 22nd August, 1840, giving you instructions for your guidance, if a proposal for such a stipulation should be made to you.

And I herewith send you a duplicate of that Despatch and of its enclosure, to provide for the event of your not having received the originals of those

papers; and I have to acquaint you that, in respect to limiting the duration of the Treaty in question, you are to abide by the instructions contained in that Despatch.

I am, &c.
(Signed) PALMERSTON.

The Hon. Hon. Walpole,
&c. &c. &c.

No. 158.

Viscount Palmerston to British Consuls.

Foreign Office, April 15, 1841.

Circular sending Treaty with the Argentine Confederation.

(See No. 1.)

No. 159.

Viscount Palmerston to British Consuls.

Foreign Office, April 22, 1841.

Circular sending Convention with Hayti.

(See No. 2.)

No. 160.

Viscount Palmerston to British Consuls and Vice-Consuls.

Foreign Office, May 8, 1841.

Circular instruction as to holding Slave property.

(See No. 43.)

No. 161.

The Hon. J. Walpole to Viscount Palmerston.

Valparaiso, December 26, 1840.
(Extract.) (*Received May* 10, 1841.)

In pursuance of the course announced to your Lordship in my Despatch of November 20, and which had been adopted on the arrival of Her Majesty's ratification of the Treaty of 1839, a meeting took place between the Chilian plenipotentiary and myself, during which certain stipulations previously agreed on, assuming the form of a Convention, were signed on the 25th ultimo.

The discussion of the original Treaty and of the present Convention was concluded with the full approbation and sanction of the Congress on the 17th instant.

By the first Article the obligations contracted by the parties to the former Treaty are recognised and confirmed.

The second limits the duration of the Treaty to ten years, and to a subsequent period undefined, provided that one of the contracting parties shall not give notice to the other of its desire to put to it a termination, which shall, however, only take place at the expiration of one year from the date of the notification.

The third Article renews the period originally fixed, but expired, for the exchange of the ratifications of the Treaty, and stipulates for it simultaneously with that of the present Convention within twelve months from the date of this latter.

Governed by a sincere desire correctly to interpret and zealously to execute the purposes of Her Majesty's Government, I trust that the course which I have pursued on this occasion will meet your Lordship's approbation.

Enclosure in No. 161.

Convencion adicional y explicatoria del Tratado entre Chile y la Gran Bretaña para la Abolicion del Tráfico de Esclavos, firmado en la Ciudad de Santiago el dia 19 *de Enero de* 1839.

El Presidente de la República de Chile, y Su Majestad la Reina del Reino Unido de la Gran Bretaña e Irlanda, animados siempre del mas vivo deseo de cooperar a la Abolicion del Tráfico de Esclavos en todas las partes del mundo, y de evitar nuevas demoras en el cumplimiento de las obligaciones que mutuamente habían resuelto imponerse por el Tratado de diez y nueve de Enero de mil ochocientos treinta y nueve, que desgraciadamente no pudo llevarse a efecto por haber expirado el plazo designado en él para el canje de las ratificaciones; han resuelto proceder al ajuste de una Convencion que dé plena fuerza y valor en todo lo que no fuere alterado expresamente por ella, a las estipulaciones contenidas en el dicho Tratado. A este efecto han nombrado por sus Plenipotenciarios, a saber, la República de Chile a Don Joaquin Tocornal, Ministro del Despacho en el Departamento de Hacienda, y Su Majestad la Reina del Reino Unido de la Gran Bretaña e Irlanda al Honorable Señor Juan Walpole, Cónsul General de Su Majestad Británica en la República de Chile: los cuales, habiendose comunicado mutuamente sus plenos poderes y halládolos en debida forma, han ajustado y acordado los siguientes artículos:—

Artículo 1°.

Las dos Altas Partes Contratantes reconocen como válidas y subsistentes todas las obligaciones que respectivamente fué su ánimo imponerse por todos y cada uno de los artículos del Tratado de diez y nueve de Enero de mil ochocientos treinta y nueve, para cooperar a la efectiva y completa abolicion del comercio de esclavos, y por todos y cada uno de los artículos de las adiciones marcadas con las letras A, B, y C, y por los dos artículos adicionales separados, que segun lo allí estipulado debían y deben considerarse como partes integrantes del sobredicho Tratado; todo lo cual se entiende con las excepciones y modificaciones que mas adelante se expresarán.

En esta virtud las dos Altas Partes Contratantes acuerdan y estipulan del modo mas positivo y terminante, que es su ánimo obligarse, como de hecho se obligan, formal y solemnemente por todas y cada una de las cláusulas del referido Tratado y de las referidas adiciones y artículos separados, en la parte que respectivamente les toque, segun y como se hallan expresadas en el ejemplar en lengua Castellana que será ratificado por el Presidente de la República de Chile, y en el ejemplar en lengua Inglesa que será ratificado por Su Majestad la Reina del Reino Unido de Gran Bretaña e Irlanda; todo de la misma manera que si el sobredicho Tratado formase parte integrante de la presente Convencion, y estuviere inserto en ella palabra por palabra; salvas empero las excepciones y modificaciones que van a expresarse.

Artículo 2°.

El sobredicho Tratado de diez y nueve de Enero de mil ochocientos treinta y nueve será obligatorio para las dos Altas Partes Contratantes por solo el término de diez años, contados desde la fecha del canje de las ratificaciones de la presente Convencion; bien entendido que si ántes de cumplirse el mencionado plazo de diez años, ninguna de las dos Altas Partes Contratantes hubiere notificado a la otra su intencion de poner fin al dicho Tratado, permanecerá en plena fuerza y vigor por un tiempo indefinido, y solo dejará de tener fuerza y vigor y se considerará terminado a la expiracion de un año, contado desde la fecha de la notificacion que una de las dos Altas Partes Contratantes dirijiere a la otra, manifestándole su intencion de poner fin a dicho Tratado.

Artículo 3°.

El antedicho Tratado y la presente Convencion serán respectivamente ratificados por el Presidente de la República de Chile, y por Su Majestad la Reina del Reino Unido de la Gran Bretaña e Irlanda; y las ratificaciones de ambos serán canjeadas dentro de un año contado desde la fecha de la presente Convencion.

En fé de lo cual los respectivos Plenipotenciarios han firmado tres ejemplares en lengua Castellana de la presente Convencion, y otros tres en lengua Inglesa, los han sellado con sus armas.

Fecha en la ciudad de Santiago a veinte y cinco dias del mes de Noviembre del año de Nuestro Señor mil ochocientos cuarenta.

(Signed) JOAQUIN TOCORNAL. (Seal.) JOHN WALPOLE. (Seal.)

(Translation.)

Convention additional and explanatory of the Treaty between Great Britain and Chile for the Abolition of the Traffic in Slaves, signed in the city of Santiago the 19th day of January, 1839.

HER Majesty the Queen of the United Kingdom of Great Britain and Ireland, and the President of the Republic of Chile, animated always with the most lively desire to co-operate for the abolition of the Traffic in Slaves in all parts of the world, and to avoid renewed delays in the fulfilment of the obligations which they had mutually resolved to impose on themselves by the Treaty signed on the 19th of January, 1839, which unhappily could not be carried into effect, the period designated for the exchange of the ratifications having expired, have agreed to proceed to the celebration of a convention which may give full force and vigour, in all which shall not be expressly altered by it, to the stipulations contained in the said Treaty. For this purpose they have named for their Plenipotentiaries, to wit, Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, the Honourable John Walpole, Her Britannic Majesty's Consul-General in the Republic of Chile; and the Republic of Chile, Don Joaquin Tocornal, Minister of State for the Department of Finance; who, having mutually communicated their full powers, and found them in due form, have arranged and agreed to the following Articles:—

Article 1.

The two high contracting parties recognise as valid and existing all the obligations which it was their intention respectively to contract by all and each of the Articles of the Treaty of the 19th of January, 1839, to co-operate for the effectual and complete abolition of the Slave Trade, and by all and each of the Annexes marked A, B, and C, and by the two separate additional Articles which, as therein stipulated, ought and are to be considered as integral parts of the above-mentioned Treaty; all of which is understood to be with the exceptions and modifications which shall hereafter be expressed.

In virtue of this the two high contracting parties agree and stipulate in the most positive and conclusive manner that it is their desire to be bound, as they are hereby bound, formally and solemnly by all and each of the clauses of the Treaty referred to, and of the Annexes, and of the separate Articles, so far as they may respectively regard them, according to and as they are expressed in the copy in the English language which shall be ratified by Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and in the copy in the Spanish language which shall be ratified by the President of the Republic of Chile, all in the same manner as if the above-mentioned Treaty formed an integral part of the present Convention, and was inserted word for word in it, saving however the exceptions and modifications which are hereafter expressed.

Article 2.

The above-mentioned Treaty of the 19th January, 1839, shall be obligatory on the two high contracting parties only for the term of ten years, reckoned from the date of the exchange of the ratifications of the present Convention; it being well understood that if, previous to the expiration of the said term of ten years, neither of the two high contracting parties shall have notified to the other its intention to put an end to the said Treaty, it shall remain in full force and vigour for a period undefined, and it shall only cease to have force and vigour, and shall be considered as terminated, at the expiration of one year, reckoned from the date of the notification which shall be made by the one to the other of the high contracting parties, in manifestation of its desire to put an end to the said Treaty.

Article 3.

The before-mentioned Treaty and the present Convention shall be respectively ratified by Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and by the President of the Republic of Chile, and the ratifications of both shall be exchanged within one year, reckoned from the date of the present Convention, or before, if possible.

In faith of which the respective Plenipotentiaries have signed three copies of the present Convention in the English language, and other three in the Spanish language, to which they have affixed their arms.

Done in the city of Santiago, the twenty-fifth day of November, in the year of our Lord one thousand eight hundred and forty.

(Signed) JOAQUIN TOCORNAL. (Seal.) JOHN WALPOLE. (Seal.)

No. 162.

The Hon. J. Walpole to Viscount Palmerston.

Valparaiso, January 12, 1841.
(*Received May* 10.)

My Lord,

The Despatch of the 26th December, which will accompany this, had scarcely been written, when that from your Lordship of the 22nd of August, 1840, was delivered to me.

Its contents have caused me, I can assure your Lordship, the most serious concern, showing, as it does, my omission in not sufficiently impressing on your Lordship, in my communication of September, 1839, the insuperable nature of the obstacles opposed by the Chilian Senate to the ratification of the Treaty for the Suppression of the Slave Trade in the form in which it was presented for their consideration.

The resolution to fix a limit to treaties of a commercial nature celebrated with foreign powers was announced in 1833 by the actual President of Chile; its extension to all treaties, whatever may be their purpose or object, has been considered in the judgment of the Senate as essential to the national benefit.

It was the conviction of the unchangeable nature of that resolve which induced me to accede, without waiting the further instructions from your Lordship, to the limitation stipulated in the 2nd Article of the Convention, which your Lordship will have received, and thus practically to ensure to Her Majesty's Government the attainment of their purpose—viz. the perpetual abolition of the trade in slaves by Chilian citizens, or by others under the Chilian flag.

The spirit not only of apathy and indifference which generally prevailed throughout the Chamber of Deputies, but that of hostility manifested by a portion of its members, even to the consideration of the Treaty itself, seemed to justify the course which I had pursued.

Nevertheless, these adverse symptoms were not to deter me from executing the directions contained in your Lordship's Despatch, however slight the prospect of success which I might entertain; and, accordingly, after an interview with Don Joaquin Tocornal, from which I derived but little promise, I proceeded to Santiago to confer with the Minister for Foreign Affairs. The result has not been more satisfactory.

I represented to His Excellency the earnest regret that Her Majesty's Government would experience on learning the ultimate decision of the Chambers; their hopes of an unlimited duration being given to the Treaty; I urged with all the energy prescribed the considerations suggested by your Lordship, but without eliciting one spark of hope of a change in a decision, the propriety of which, as His Excellency stated, was not alone that of the Congress, but the popular and almost the universal sense of the country.

In the additional Article, which I then submitted to His Excellency, he saw no cause for alteration, since the Congress would alone observe in it the mode of cancelling the effects of the Limitation Clause, and of thus rendering ineffectual their precautions.

His Excellency added, that although the Government could not influence, they did not participate in the opinion of the Congress, nor could they foresee the period for the termination of the Treaty; but that in contemplation of so unfortunate an event, they would compromise themselves to maintain the law attaching the punishment of piracy to the crime of slave-trading, and to maintain irrevocably that law.

Thus, my Lord, having been baffled in the object proposed, and unauthorised to offer any further stipulations, I abstained therefrom; but I will venture to assure your Lordship that this Government, in furtherance of the views of Her Majesty's Government, and with a desire to promote their complete fulfilment, would cheerfully consent to bind themselves in the most solemn manner never to forego the principles involved in the Treaty, but to adhere inviolably and perpetually to the engagements contracted by the 2nd Article in their most extended sense.

I have, &c.
(Signed) JOHN WALPOLE,
Consul-General.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

No. 163.

Viscount Palmerston to the Hon. John Walpole.

Foreign Office, May 11, 1841.

Circular as to proposed Instructions to Chilian Functionaries in Slave-holding Countries.

(See No. 3.)

No. 164.

Viscount Palmerston to the Hon. John Walpole.

SIR, *Foreign Office, June* 8, 1841.

I HAVE received your Despatch of the 26th of December, 1840, enclosing a Convention signed by you and the Chilian Plenipotentiary on the 25th of November, 1840, limiting to a period of ten years the duration of the Treaty concluded by you with Chile on the 19th of January, 1839, for suppressing the Slave Trade of Chile.

I have also received your Despatch of the 1st of January, 1841, in which you mention the reasons which induced you to agree to this limit to the duration of the Treaty.

But on this subject I have to refer you to my Despatch of the 22nd of August, 1840, stating that Her Majesty's Government consider arrangements such as those contained in that Treaty will be absolutely necessary as long as the condition of slavery anywhere exists: and I have to refer you to my Despatch of the 16th of March, 1841, observing that Her Majesty's Government continue still of that opinion; and I have now to instruct you to say to the Chilian Government, that Her Majesty's Government conceive it would be unadvisable to stipulate that the Treaty with Chile on Slave Trade should have so short a duration as that which is assigned to it by the Convention of the 5th of November, 1840. And you will observe to the Chilian minister, that considering the length of voyage between Chili and Great Britain, and the length of time required for diplomatic communications between the two governments, the Chilian Government must see the grave objections which there are to a Treaty of such a duration.

Mexico, like Chile, at first objected to allow an unlimited duration to its Treaty on Slave Trade. The Mexican Government, however, instead of directly limiting the duration of its Treaty, agreed at last to a stipulation, of which I herewith transmit to you a copy, providing that if it shall be necessary to adopt

new measures for attaining the object of the Treaty, or for remedying inconveniences which shipping might be found to have suffered under it, the parties to the Treaty will consult together for the complete attainment of these objects.

Her Majesty's Government is willing to consent that a similar stipulation to this shall be added to the Treaty with Chile of the 19th of January, 1839.

I have to instruct you, therefore, to endeavour by all the arguments in your power to induce the Chilian minister to agree to ratify the original Treaty of the 19th of January, 1839, annexing thereto an additional article to the effect of that which I enclose, instead of the Convention which you signed on the 25th of November, 1840, and which cannot be ratified by Her Majesty.

(Signed) PALMERSTON.

The Hon. John Walpole,
&c. &c. &c.

Enclosure in No. 164.

Article 14.

As the principal object of this Treaty, Additional Articles, and three Annexes, which form part of it, is no other than that of preventing the traffic in slaves without any annoyance to the respective merchant-shipping of the two nations, the High Contracting Parties, animated by the same sentiments, agree that if in future it should appear necessary to adopt new measures for attaining the said beneficent object, or for obviating any inconvenience to the aforesaid shipping which experience shall have made known, in consequence of those established in this Treaty, Additional Articles and Annexes proving inefficacious, the said High Contracting Parties will consult together for the complete attainment of the object proposed.

No. 165.

The Honourable John Walpole to Viscount Palmerston.

Santiago, February 21, 1841.
(*Received June* 7.)

My Lord,

I have the honour to forward to your Lordship a copy and translation of a note which I received yesterday from the Minister for Foreign Affairs, containing the first official notification of the approbation of the Treaty and Convention relating to the abolition of the Slave Trade by the Congress, and of the disposition of the President to ratify the same.

I have restricted myself to a simple acknowledgment of its receipt.

I have, &c.

(Signed) JOHN WALPOLE,
Consul-General.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

Enclosure in No. 165.

M. Moult to the Hon. John Walpole.

(Translation.) *Santiago, February* 20, 1841.

Desirous that no renewed delays should accidentally occur in the publication of the treaties relating to the Slave Trade, and that, if Her Majesty the Queen of the United Kingdom should sanction them, the exchange of the ratifications may be effected within the period stipulated, it has appeared to the President expedient to notify to you their approbation by the Congress without modification or reserve of any sort, and that His Excellency is disposed to ratify them in the same terms.

Thus I act by order of His Excellency, and I profit by this occasion to reiterate to you the sentiments of high consideration with which

I have, &c.

(Signed) MANUEL MOULT,

The Consul-General of Her Britannic Majesty.

No. 166.

The Honourable John Walpole to Viscount Palmerston.

Valparaiso, May 15, 1841.

(Extract.) (*Received September* 24.)

PREVIOUS to the infliction of severe indisposition, which ultimately compelled me to remove to the more favourable climate of this port for my recovery, and to abstain from all serious occupation, I had an interview with the newly appointed Minister for Foreign Affairs, Don José Miguel Irarrázaval.

In my former Despatch of January the 12th of this year, I had conveyed to your Lordship the sense of the Government at that time in existence, and the declaration of the minister as to the extent to which they could, satisfied of the unconquerable opposition of the Chambers to a treaty unlimited in point of time, venture to compromise themselves; but, seeing nothing in all this so conclusive as to impede my recurrence to the subject at a more favourable opportunity, it formed the principal object of my visit.

I proposed to His Excellency to submit to the consideration of the Legislature the Convention signed in the month of November of the last year, with a view to the limitation clause being expunged.

I reiterated my conviction of the determination of the British Government, founded as it was on the most sound and incontestable objections, to reject the Treaty while its operation should be restricted to any fixed limits: I repeated all that your Lordship had suggested in your last Despatch, and I expressed myself thoroughly persuaded that the Congress about to meet would not interpose a clause so prejudicial to a Treaty having directly for its object the amelioration of an oppressed class of our own species, but from which the state of Chile would also indirectly derive importance, had it been discouraged, and the Treaty in its original form been earnestly supported by the Government.

His Excellency replied, that, although a member of the Senate, and present at the discussion of the Treaty, he had been equally ignorant of its existence as of the nature of the motives which induced the addition of the limitation clause; that no just cause for it offered itself to his mind, and that he should not hesitate in lending his assistance for its abrogation.

I then entreated him to prepare the Chambers for its renewed discussion, and to animate them to the adoption of his own views, by recommending the proposed change to their favourable consideration in the President's opening speech. To this he willingly consented, and voluntarily proposed a similar admission into the memoir which he should also present.

No. 167.

The Earl of Aberdeen to the Honourable John Walpole.

Foreign Office, October 30, 1841.

Circular sending Papers presented to Parliament.

(See No. 10.)

No. 168.

The Honourable John Walpole to Viscount Palmerston.

Santiago, June 27, 1841.
(*Received November* 22.)

My Lord,

I had last night the honour to receive your Lordship's Despatch, dated August 13th, 1840, together with one copy of two series of Papers relating to the Slave Trade, which had been presented to both Houses of Parliament during the last Session by Her Majesty's command.

I have, &c.
(Signed) JOHN WALPOLE,
Consul-General.

The Right Hon. Viscount Palmerston, G.C.B., &c. &c. &c.

No. 169.

Extract of a Letter from the Hon. John Walpole to Mr. Bidwell.

Santiago (*Chile*), *July* 22, 1841.

After much patient endurance and vexatious discussion I have settled the Slave Trade Treaty in a way which I hope will satisfy Her Majesty's Government, at least for the present.

The Right of Search is limited, not in point of time, but of space, and the portion given is much more extensive than is to be found in the Treaty with Venezuela.

This Government proposed its Fifth Article as a model: I rejected it as inadmissible, and proposed, so far as regarded the coast of Africa, the range stipulated in the Third Article of the Nueva Grenada Counter Project mentioned in Mr. Adams's Despatch of August 29, 1839. This was as strongly resisted by this Government, and after much consideration and many vain attempts to obtain more longitude, I was fain to put up with the Venezuela limits extended to 25 degrees north, and 40 degrees south latitude.

Within this scope are included the whole of the Cape Verd Islands to five degrees south of the Cape of Good Hope, which will also give room, I should hope, to intercept vessels coming round from Mozambique, since I understand they are seldom met with in a more southern latitude.

I hope, shortly, to get it through the Chambers and ratified, or at least an assurance of its being so, and I will lose no time in sending it home.

No. 170.

The Earl of Aberdeen to the Honourable John Walpole.

Foreign Office, December 31, 1831.

Circular for all Laws on Slave Trade.

(See No. 14.)

EQUATOR.

No. 171.

Mr. Cope to Mr. Bidwell.

Consulate of the Equator, Guayaquil, September 1, 1840.
(*Received January* 2, 1841.)

SIR,

I HAVE the honour to transmit annexed a translation in the Spanish language, as published in the "Equatorian Gazette" at Quito, of the Apostolical Letter promulgated by his Holiness the Pope, on the 3rd of December, 1839, on the subject of Slave Trade, a copy of which I received in a Despatch from Viscount Palmerston, dated February 20, 1840, with instructions to cause it to be inserted in the public Gazette of the Equator.

I have, &c.
(Signed) WALTER COPE.

John Bidwell, Esq.,
&c. &c. &c.

No. 172.

Mr. Cope to Viscount Palmerston.

Consulate of the Equator, Guayaquil, October 30, 1840.
(*Received February* 20, 1841.)

MY LORD,

I HAVE the honour to acknowledge the receipt of your Lordship's Despatch of the 23rd of April, and of the two copies, which accompanied it, of a Treaty concluded at Caracas on the 15th of March, 1839, between Her Majesty and the Republic of Venezuela, for the Abolition of the Slave Trade.

I have, &c.
(Signed) WALTER COPE.

The Right Hon. Viscount Palmerston, G.C.B.,
&c. &c. &c.

No. 173.

Viscount Palmerston to Mr. Cope.

Foreign Office, April 15, 1841.

Circular sending Treaty with the Argentine Confederation.

(See No. 1.)

No. 174.

Viscount Palmerston to Mr. Cope.

Foreign Office, April 22, 1841.

Circular sending Convention with Hayti.

(See No. 2.)

No. 175.

Viscount Palmerston to Mr. Cope.

Foreign Office, May 8, 1841.

Circular on holding or being interested in Slave Property.

(See No. 42.)

No. 176.

The Earl of Aberdeen to Mr. Cope.

Foreign Office, October 30, 1841.

Circular sending printed Papers on Slave Trade presented to Parliament, 1841.

(See No. 10.)

No. 177.

The Earl of Aberdeen to Mr. Cope.

Foreign Office, December 27, 1841.

Circular for all Laws upon Slave Trade.

(See No. 14.)

No. 178.

The Earl of Aberdeen to Mr. Walter Cope.

SIR, *Foreign Office, December* 31, 1841.

BY a reference to your Despatch of the 7th of April, 1840, and to the note therein enclosed from the Secretary of State for Foreign Affairs of the Republic of the Equator, I perceive that no difficulty was anticipated either by yourself or by that Minister to the successful termination of the negotiation with which you were charged for concluding with him a Treaty between Great Britain and the Republic of the Equator for the Suppression of the Slave Trade. But I regret to observe that since that period no communication appears to have been received at this office from you upon the subject of this negotiation: and I have therefore to desire that, on receiving this Despatch, you will lose no time in putting yourself again in communication with the Minister of the Republic of the Equator, and that you will use your utmost efforts to conclude this Treaty without any further delay.

I am, &c.

(Signed) ABERDEEN.

Walter Cope, Esq.
&c. &c. &c.

MEXICO.

No. 179.

Mr. Pakenham to Viscount Palmerston.

Mexico, December 19, 1840.
(*Received February* 15, 1841.)

MY LORD,

FROM the enclosed copy and translation of a note which I received yesterday from the acting Minister for Foreign Affairs, your Lordship will see that the President has granted full powers to Don Luis Cuevas, of whose appointment as Minister to England I have had the honour to inform your Lordship by another Despatch of this date, to conclude with me the alterations desired by Her Majesty's Government in the Treaty which was signed here on the 16th of May last.

I am sure that Señor Cuevas feels the best disposition to meet the wishes of Her Majesty's Government, and also that when the new Treaty is signed he will do everything in his power to obtain its ratification by the Chambers, in order if possible to have the satisfaction of presenting it to your Lordship in a complete state on his arrival in England.

I have, &c.,
(Signed) R. PAKENHAM.

The Right Hon. Viscount Palmerston, G.C.B,
&c. *&c..* *&c.*

Enclosure in No. 179.

(Translation.)

Mr. Monasterio to Mr. Pakenham.

National Palace, Mexico, December 16, 1840.

THE Undersigned, &c., has the honour to acquaint Mr. Richard Pakenham that his Excellency the President has been pleased to grant to his Excellency Señor Don Luis Gonzaga Cuevas full powers, in order that, again taking into consideration certain articles of the Treaty for the Abolition of the Slave Trade signed in this capital on the 16th of May of the present year, he may make therein such alterations as he may judge expedient, to the end that this negotiation may be definitively arranged in conformity with the wishes of the Governments of Mexico and Great Britain.

His Excellency the President, in thus meeting the late suggestions of Mr. Pakenham contained in his note of the 13th of August last, has directed the Undersigned to communicate to him the above resolution, which the Undersigned now does; and he avails himself, &c.

(Signed) JOSE MARIA ORTIZ MONASTERIO.

Richard Pakenham, Esq.
&c. *&c* *&c.*

No. 180.

Mr. Pakenham to Viscount Palmerston.

Mexico, January 25, 1841.
(*Received March* 19.)

MY LORD,

I HAD the honour to inform your Lordship, by my Despatch of the 19th of last month, that the President had appointed Señor Cuevas, who will shortly

proceed to England as Minister from this Republic, to complete with me the negotiation of the Treaty for the more effectual prevention of the Slave Trade under the Mexican flag.

I have now the honour to acquaint your Lordship that the negotiation of the Treaty is concluded, and that it will be laid before the Chambers as soon as the two copies for signature can be got ready.

The following are the alterations which have been introduced into the Treaty from the form in which it stood when last submitted to your Lordship.

In Article II., instead of the stipulation on the part of Mexico "that within two months after the exchange of the ratifications," a law should be passed imposing the severest punishment on persons taking part in the Slave Trade, the Mexican Government undertakes to procure the enactment of the proposed law "as soon as possible;" because it was considered that perhaps the periods fixed for the despatch of business in the Congress might not admit of the law being passed within two months after the exchange of the ratifications; and also that a stipulation so peremptory in point of time might indispose the Chambers, and create a difficulty with regard to the ratification.

Article 3 has been altered according to the instructions contained in your Lordship's despatch of the 10th of June last; that is to say, the Mexican Government engage to introduce into the Congress a law declaring Slave Trade to be piracy—the stipulation for an additional Convention upon this point being omitted, and instead of it, it is provided that both the high contracting parties shall promulgate or propose in their respective legislatures the most suitable measures for carrying into immediate execution the laws of piracy which are to be applicable to the Slave Trade according to the legislation of the two countries, with respect to the vessels and subjects or citizens of the two nations.

In Article 7 an important alteration has been made, but one to which I hope that your Lordship will not object.

It was signified in your Lordship's despatch of the 10th of June that Her Majesty's Government would agree that Mexican slave vessels captured in the Gulf of Mexico, and to the westward of a certain longitude, should be brought to trial before a Mexican tribunal; while British vessels captured within those confines should be taken to a British possession for trial; it being agreed that both British and Mexican vessels detained to the eastward of the specified degree of longitude should be sent for adjudication to the nearest British possession. This stipulation Señor Cuevas considered would be fatal to the Treaty in the Congress, as not offering sufficient reciprocity; seeing that, by the arrangement therein proposed, Mexican vessels would, in certain cases, be subject to trial by an English tribunal, while in no case would an English vessel be brought to trial before a tribunal of this country.

As I consider Señor Cuevas' apprehension as to the jealousy with which such an arrangement would be viewed by the Chambers to be well founded, I thought it prudent to yield to his opinion upon this point; and, accordingly, instead of the stipulation originally proposed, it has been agreed that vessels detained in conformity with the provisions of the Treaty shall be sent for trial to the nearest possession of the country to which the captured vessel belongs, except there should happen to be slaves on board at the time of capture, in which case the vessel shall be sent or conducted to the nearest possession of either of the contracting parties, or to such place belonging to either of them as the commander of the capturing ship shall think may be soonest reached, in order that the slaves may be there disembarked. The vessel, with her cargo, commander, and crew, to be then sent to the place where she is to be tried, in conformity with the preceding provisions of the same Article.

My reason for hoping that your Lordship will not object to this arrangement, is that it is essentially the same as that contained, with reference to the place of trial, in the Treaty with Venezuela, which has already been ratified by Her Majesty; and, as the circumstances of Venezuela are much the same as those of Mexico, I am inclined to hope that what was approved of with regard to that country will not be held open to objection with regard to this.

As relates to the place of depositing the negroes, it is true that in the Treaty with Venezuela it is agreed that in every case they shall be landed at a British possession, while, according to the proposed Article in the Treaty with Mexico, they may be landed at a place belonging to either country; but there is this difference between Venezuela and Mexico, that in the former republic slavery

is still tolerated, whereas it has long ceased to exist in this country, and consequently there will be no risk that negroes landed in any part of the Mexican territory can be reduced to a state of slavery.

Besides, my Lord, it must be borne in mind that all speculation as to the practical operation of this or that provision of the Treaty with Mexico is perfectly ideal: the Treaty once concluded and ratified, it is not within the bounds of probability that the flag of this republic should ever be used by vessels engaged in slave-trading; even without a treaty it is not known that the Mexican flag has ever been so employed; and once it shall be settled, by the conclusion of the Treaty, that there will be no advantage in adopting for slaving operations the flag of this republic, in preference to the flag of Spain or any other country, I think it may be looked upon as almost a matter of certainty that the provisions of the Treaty for the trial of vessels under Mexican colours, and other measures dependent thereon, will never come into practical execution.

The observations contained in your Lordship's despatch of the 10th of June, relative to the inconvenience of limiting the operation of the Treaty to a term of years, have had due weight with the Mexican Government; and, accordingly, no such limitation will be found in the present Treaty. But as it was considered absolutely necessary, with a view to obtain the ratification of the Chambers, that some provision should be made for a revisal of the Treaty by mutual consent, in case it should be found to cause vexation or annoyance to the trade of this country; instead of the Article whereby the former Treaty was made terminable after eight years at the demand of either of the contracting parties, an Article has been introduced to the following effect:—

"As the principal object of this Treaty, additional articles and annexes, which form a part of it, is no other than that of preventing the traffic in slaves without any annoyance to the respective merchant shipping of the two nations, the high contracting parties, animated by the same sentiments, agree that if in future it should be necessary to adopt new measures for attaining the said beneficent object, or for obviating any inconvenience to the aforesaid shipping which experience shall have made known, in consequence of the measures established by this Treaty, additional Articles and annexes proving inefficacious, the said high contracting parties will consult together for the complete attainment of the end proposed."

In some other Articles of the Treaty a few verbal alterations have been made, but none of sufficient importance to deserve mention.

In the additional Articles and annexes there will be no alterations save those arising out of alterations in the Articles in the Treaty on which they depend.

I have, &c.
(Signed) R. PAKENHAM.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

No. 181.

Viscount Palmerston to Her Majesty's Ministers and Consuls.

Foreign Office, April 15, 1841.

Circular sending Treaty with the Argentine Confederation.

(See No. 1.)

No. 182.

Viscount Palmerston to Her Majesty's Ministers and Consuls.

Foreign Office, April 22, 1841.

Circular sending Convention with Hayti.

(See No. 2.)

No. 183.

Mr. Pakenham to Viscount Palmerston.

Mexico, February 25, 1841.
(*Received April* 26.)

My Lord,

In my Despatch of the 25th of last month, I had the honour to mention that the amended Treaty with this Government for the prevention of the Slave Trade under the Mexican flag was in a state of forwardness.

In the same Despatch I had the honour to explain the alterations which, in order the better to overcome the scruples of the Chambers, it was thought advisable to introduce into this Treaty, from the form in which it stood when last submitted to your Lordship.

The Treaty, which was signed yesterday, I have now the honour to enclose; and I earnestly hope that it will receive your Lordship's approbation.

I have, &c.
(Signed) R. PAKENHAM.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

No. 184.

Viscount Palmerston to Mr. Pakenham.

Foreign Office, May 11, 1841.

Circular relative to proposed Instructions to Mexican Functionaries in Slave-holding countries.

(See No. 3.)

No. 185.

Viscount Palmerston to Mr. Pakenham.

Sir, *Foreign Office, May* 26, 1841.

I have received your Despatch of the 25th of February, 1841, transmitting the Treaty which you have concluded between Her Majesty and the Republic of Mexico for the suppression of the Slave Trade.

Her Majesty's Government highly approve the zeal and the judgment which you have shown in the negotiation of this Treaty; and Her Majesty has commanded that ratifications of this Treaty shall be prepared, to be exchanged against those of the Republic of Mexico.

I am, &c.
(Signed) PALMERSTON.

Richard Pakenham, Esq.,
&c. &c. &c.

No. 186.

Mr. Pakenham to Viscount Palmerston.

Mexico, August 14, 1841.
(*Received October* 7.)

My Lord,

I have had the honour to receive your Lordship's Despatches of the 15th and 22nd of April, enclosing copies of the Treaties concluded between Her Majesty and the Argentine Republic, and between Her Majesty and the Republic of Hayti, for the more effectual suppression of the Slave Trade.

I have communicated these Treaties to the Mexican Government.

I have also the honour to acknowledge the receipt of your Lordship's Despatch of the 11th of May. In obedience to the instructions therein contained, I have addressed a note to the Minister for Foreign Affairs, inviting this Government to address to its agents in slave-holding countries instructions similar to those con-

tained in your Lordship's circular letter of the 8th of May, a copy of which accompanies your Lordship's Despatch last referred to.

I have, &c.
(Signed) R. PAKENHAM.

The Right Hon. Viscount Palmerston, G.C.B.,
&c. &c. &c.

No. 187.

Mr. Pakenham to Viscount Palmerston.

Mexico, August 13, 1841.
(Received October 11.)

My Lord,

I lost no time in fulfilling the instructions contained in your Lordship's Despatch of the 11th of May, by addressing a note to the Mexican Government, inviting them to issue to their agents in slave-holding countries instructions similar to those set forth in your Lordship's circular letter to the British functionaries in such countries, a copy of which letter accompanied your Lordship's Despatch.

I have the honour to enclose a copy of my note to the Minister for Foreign Affairs upon this subject, and a copy and a translation of the answer returned by Señor Camacho, from which your Lordship will perceive that the Mexican Government accede without hesitation to the wishes of Her Majesty's Government in as far as relates to the issue of the desired instructions; but Señor Camacho has thought proper on this occasion to introduce some observations respecting the existence of slavery in Texas, the spirit and intent of which will at once be apparent to your Lordship, and respecting which I forbear, accordingly, to offer any comment.

I have, &c.
(Signed) R. PAKENHAM.

The Right Hon. Viscount Palmerston, G.C.B.,
&c. &c. &c.

First Enclosure in No. 187.

Mr. Pakenham to M. Camacho.

Mexico, August 9, 1841.

It would appear from information which has reached Her Britannic Majesty's Government that persons appointed by different governments to reside as ministers, or consuls, or agents in slave-holding countries, are sometimes in the habit of hiring and maintaining slaves, and of engaging in undertakings in which slave property is concerned.

As by such practices the functionaries in question give an indirect sanction to slavery, and appear to countenance measures which tend to create a demand for slaves, Her Majesty's Government has addressed to all British functionaries in slave-holding countries the circular letter, of which a copy is herewith enclosed; and as Her Majesty's Government think it very important that the opinion of the Mexican Government should be expressed upon this subject in such a manner as to afford an additional discouragement to the Slave Trade, Her Majesty's Government think that much good would be effected in this respect, if the Mexican Government would address to its agents in slave-holding countries instructions similar to those contained in the enclosed circular; and the undersigned, &c. has consequently been instructed to address to the Mexican Government a note containing an invitation to the above effect.

In fulfilling the instructions which he has received upon this subject, the undersigned is justified, from the abhorrence on all occasions manifested by the Mexican Government of the trade in slaves, and from the many proofs afforded by the said Government of an earnest desire to co-operate with the Government of England in endeavouring to effect the extinction of that Trade, that his

Excellency the President will gladly embrace the present opportunity to show to the world the determination of this Government not to countenance, however indirectly, any practice tending to encourage the traffic in slaves, or the employment of slave labour.

The undersigned, &c.

(Signed) R. PAKENHAM.

His Excellency D. Sebastian Camacho,
&c. &c. &c.

(Translation.) Second Enclosure in No. 187.

M. Camacho to Mr. Pakenham.

SIR, *Mexico, August* 16, 1841.

I HAVE had the honour to receive your note of the 9th, with its enclosure, the circular letter from the Foreign Office, prohibiting the agents of that department from deriving any advantage from slavery in countries where this disgraceful and infamous traffic is protected; by which note I am also informed of the just desires of your Government, that the Government of Mexico should adopt a similar measure, and address instructions having the same object to their foreign agents.

Accordingly, you may assure Her Majesty's Government that his Excellency the President of the Republic, before whom I have laid your note, entirely agreeing with their sentiments, and influenced by a full conviction that the unjust and barbarous traffic in slaves is as repugnant to humanity as it is a scandal to morality and civilization, has not merely contented himself with accepting and following up their invitation, by causing instructions similar to those contained in the above-mentioned circular to be addressed to our agents abroad, but has also thought it expedient to extend its effects as far as is in his power, by directing that such agents, whenever the occasion presents itself, shall use their advocacy with the governments and authorities of the countries where they reside with the same zeal in behalf of the slaves as they would for their countrymen, in fulfilment of their duty, and in as far as is compatible with the exercise of their functions.

Moreover, as his Excellency the President is always ready to embrace every occasion that presents itself of proving to the whole world that his Government will never consent to countenance, even indirectly, any practice tending to encourage the trade in slaves, or their condemnation to compulsory labour, his Excellency would consider himself false to his principles, and as betraying the generous confidence placed in him by the British Government, if he neglected this opportunity of calling their attention, through you, to their recent recognition of the insurgent department of Texas, where, it is well known, a vast colony of slaves has been settled, and that hateful traffic is in daily activity, since in that country there are no other hands to draw the wealth from its soil; and the hatred of the usurpers against people of colour has been carried to such a pitch, that they have even thundered decrees of proscription against that unhappy race, such as to shock humanity, and to rouse the indignation of every government of enlightened and religious feeling.

In giving utterance to these sentiments, the Government of Mexico are far from making a formal charge against Her Britannic Majesty's Government for having thought proper to acknowledge the independence of Texas. Their sole object has been to promote the good of mankind and the liberty of all men, whatever their origin, in every part of the world; and as such too has been the generous and undeviating purpose of the British Cabinet since they had the glory of leading the van in the abolition of a hateful traffic, it must be believed that if in the acknowledgment of the usurpers of Texas no terms have been imposed on them to assuage the lot of the unfortunate beings who there groan in slavery, it has been because that Cabinet had not been furnished with very correct information; and they, consistently with their principles, will be moved to compassion as soon as they are aware that in this corner of the world there exists a class of beings unprotected and weighed down by the chains of slavery.

Such is the confident hope of the government of Mexico, reserving, however,

their right of acting in this matter as their duty may require: and in making this communication to you by command of my Government,

I have, &c.
(Signed) SEBASTIAN CAMACHO

Richard Pakenham, Esq.,
&c. &c. &c.

No. 188.

Mr. Jolly to Mr. Bidwell.

British Consulate, Tampico, August 18, 1841.
(Received October 22.)

SIR,

I HAVE the honour to acknowledge the receipt of your communication of the 15th April, transmitting a copy of a Treaty concluded at Buenos Ayres on the 24th May, 1839, between Her Majesty and the Argentine Confederation, for the abolition of the Slave Trade.

I have, &c.
(Signed) STEWART L. JOLLY,
Acting Vice-Consul.

John Bidwell, Esq.,
&c. &c.

No. 189.

Mr. Jolly to Mr. Bidwell.

British Consulate, Tampico, August 18, 1841.
(Received October 22.)

SIR,

I HAVE the honour to acknowledge the receipt of your communication of the 22nd April, transmitting a copy of a Convention, concluded at Port-au-Prince on the 23rd December, 1839, by which the Republic of Hayti has acceded to the Conventions for the suppression of the Slave Trade, concluded between his late Majesty and the King of the French, on the 30th November, 1831, and the 22nd March, 1833.

I have, &c.
(Signed) STEWART L. JOLLY,
Acting Vice-Consul.

John Bidwell, Esq.,
&c. &c.

No. 190.

The Earl of Aberdeen to Her Majesty's Ministers and Consuls.

Foreign Office, October 30, 1841.

Circular sending Papers presented to Parliament.

(See No. 10.)

No. 191.

The Earl of Aberdeen to Mr. Pakenham.

SIR,

Foreign Office, November 24, 1841.

I HAVE received your Despatch of the 30th August last, enclosing copy of a note from Señor Camacho, stating that the Mexican Government have prohibited their agents in slave-holding countries from being directly or indirectly interested in slave property; and I have to desire that you will ex-

press to Señor Camacho the cordial thanks of Her Majesty's Government for this communication.

I have, &c.
(Signed) ABERDEEN.

R. Pakenham, Esq.,
&c. &c. &c.

No. 192.

The Earl of Aberdeen to Mr. Pakenham.

Foreign Office, December 27, 1841.

Circular asking for all Laws on Slave Trade.

(See No. 14.)

No. 193.

The Earl of Aberdeen to Mr. Pakenham.

SIR, *Foreign Office, December* 31, 1841.

WITH reference to your Despatch of the 25th February last, and to the Despatch to you of the 26th of May following, respecting the Treaty for the suppression of the Slave Trade of Mexico, signed by you under the first-mentioned date, I have to state to you that the Mexican ratification of that Treaty has not yet reached this country: and I have to desire that if that ratification shall not have been completed or forwarded to London when you receive this Despatch, you will lose no time in urging the Government of Mexico to consummate this work, by completing, without further delay, and forwarding to London, the ratification referred to, for exchange against that of Her Majesty in London.

I have, &c.
(Signed) ABERDEEN.

Richard Pakenham, Esq.,
&c. &c. &c.

MONTEVIDEO.

No. 194.

Viscount Palmerston to Mr. Hood.

Foreign Office, April 15, 1841.

Circular sending Treaty with the Argentine Confederation.

(See No. 1.)

No. 195.

Viscount Palmerston to Mr. Hood.

Foreign Office, April 22, 1841.

Circular sending Convention with Hayti.

(See No. 2.)

No. 196.

Viscount Palmerston to Mr. Mandeville.

SIR, *Foreign Office, April* 23, 1841.

THE enclosed communication from Her Majesty's Chargé d'Affaires at Rio de Janeiro contains a statement that Don F. Rivera, President of Montevideo, has given liberty to all slaves throughout the Oriental Republic, and has caused all those liberated slaves who could serve to be enlisted in a military corps for the defence of that country.

Her Majesty's Government sincerely rejoice that freedom has been conferred upon these persons upon any terms; and I have to desire that you will use your utmost endeavours to prevent the re-establishment of slavery in Montevideo.

I am, &c.
(Signed) PALMERSTON.

J. H. Mandeville, Esq.,
&c. &c. &c.

Enclosure in No. 196.

Mr. Ouseley to Viscount Palmerston.

Rio de Janeiro, February 28, 1841.

(See Class B., No. 417, p. 614.)

No. 197.

Viscount Palmerston to Mr. Hood.

SIR, *Foreign Office, April* 23, 1841.

THE enclosed communication from Her Majesty's Chargé d'Affaires at Rio de Janeiro contains a statement that Don F. Rivera, President of Montivideo,

has given liberty to all slaves throughout the Oriental Republic, and caused all those liberated slaves who could serve to be enlisted in a military corps for the defence of that country.

Her Majesty's Government sincerely rejoice that freedom has been conferred upon these persons upon any terms; and I have to desire that you will use your utmost endeavours to prevent the re-establishment of slavery in Montevideo.

I am, &c.,
(Signed) PALMERSTON.

T. S. Hood, Esq.,
&c. &c. &c.

Enclosure in No. 197.

Mr. Ouseley to Viscount Palmerston.

Rio de Janeiro, February 28, 1841.

(See Class B., No. 417, p. 614.)

No. 198.

Viscount Palmerston to Mr. Hood.

Foreign Office, May 8, 1841.

Circular Instruction on holding or being interested in Slave Property.

(See No. 43.)

No. 199.

Viscount Palmerston to Mr. Mandeville.

Foreign Office, May 11, 1841.

Circular Instruction on proposed Instructions to Montevidean Functionaries in Slave-holding Countries.

(See No. 3.)

No. 200.

Mr. Hood to Viscount Palmerston.

My Lord, *Montevideo, February* 23, 1841.

I have the honour to enclose, for your Lordship's information, the copy and translation of a circular note, dated the 8th instant, which the Oriental Government of the Uruguay have caused to be directed to the foreign consuls resident in Montevideo, requesting them to recommend to their respective countrymen that, during the present crisis, they should send any slaves they may possess to some foreign country, in order to avoid the possibility of their being taken for the service of arms by the Commander of an armed force which the Minister supposes may come from Buenos Ayres to invade the republic; and also intimating that after a certain period the Government will proceed to adopt other precautionary measures which may seem to it necessary for its security.

The only observation that appears to me necessary to make to your Lordship in this case is, that there are very few slaves belonging to British subjects, and those few are principally confined to household servants. The proposal of the Government is, however, perfectly illusory, since there does not exist any place or country which slaves could be safely removed to for security, nor indeed was this ever the intention of the Government, who only propose this impracticable plan to disarm complaint against a measure which General Rivera has

in contemplation for adopting the identical measure which he alleges his enemies might do, that is to place all the male slave population at the disposal of the Government, which will give him the means of raising three or four thousand black troops, and a considerable sum of money for excusing the rest from military service.

Whatever may be the demerits of this measure, it will certainly have the effect of weakening the security in slave property, and thereby of greatly decreasing the slave importations.

I have, &c.

(Signed) THOMAS SAMUEL HOOD.

The Right Hon. Viscount Palmerston, G.C.B.,
&c. &c. &c.

First Enclosure in No. 200.

(Translation.)

The Montevidean Minister to Mr. Hood.

Montevideo, February 8, 1841.

THE Undersigned Minister Secretary of State in the Department of Foreign Affairs has been ordered by the Government to address himself to Her Britannic Majesty's Consul-General with the object of making known to him that, in the present state of things, the Government is afraid of finding itself soon in a conflict which may be of great consequence to the countrymen of the Consul-General; the Government wishes to prevent this conflict in a manner which may be most conformable to the interests of the republic, and least prejudicial to the subjects of Her Britannic Majesty.

The Consul knows that the country is threatened with an approaching invasion by the Governor of Buenos Ayres; he knows also that this Governor does not consider the means when he thinks that they are conducive to his ends; that he adopts with the greatest indifference the most anarchical and antisocial measures, such as that of provoking the slaves to commit treason upon their masters, and to obtain liberty by taking refuge in his military camps; lastly, the Consul knows that this has been done in Buenos Ayres; the Governor of Buenos Ayres did not publish a decree, but he seduced all the slaves, and his camp of the Santos Lugares became filled in a very few days with slaves of both sexes.

It is this example that makes the Government prudently fear that the same means be employed in the territory of the republic as soon as the Buenos Ayrean forces shall enter it, and with so much more reason since in the territory of the republic there is a considerable number of slaves the greater part of them belonging to subjects of different nations.

The Government is resolved to respect, and to have the private property of all, and particularly of the foreigners resident in the country, respected; but it cannot carry this respect so far as to consent that its enemy should convert it to its own prejudice; it would be gross ignorance to wait until the enemy should begin to do in the territory of the republic what it has done in Buenos Ayres and Cordova before it puts itself on its guard, and on this account it is also resolved to intimate to the owners of slaves that they may take them away from the territory of the republic to any part that is not the enemy's territory within a given time, after which the Government will take such measures respecting slaves as it may consider necessary for its security.

The undersigned Minister trusts, as also does his Government, that the Consul-General of Her Britannic Majesty will duly appreciate the difficult position in which the country is, and that he will persuade himself that it has no other alternative than the one already indicated, nor any other means of conciliating the respect which it wishes to observe towards property with what its own security exacts. If it had found any other means of avoiding this conflict which should be less grievous to private persons and should not compromise its own existence, it would have adopted it, and it is disposed to adopt it if it should present itself to it.

The Government has wished to prevent in time the complaints and reclama-

tions which might have been made on adopting the measure, and has ordered the undersigned to make this known to the Consul beforehand, and in fulfilling this order he has the honour to offer him his most distinguished consideration.

(Signed) FRANCISCO ANTONIO VIDAL.

Her Britannic Majesty's Consul-General,
&c. &c. &c.

Second Enclosure in No. 200.

Mr. Hood to the Montevidean Minister.

Montevideo, February 12, 1841.

THE undersigned, Her Britannic Majesty's Consul-General, has the honour of acknowledging the receipt of a "Circular" which his Excellency the Minister for Foreign Affairs addressed to him on the 8th instant, relative to slave property in possession of foreigners, which shall be forwarded for the information of Her Britannic Majesty's Government.

The undersigned, in the meanwhile, considers it his duty to say that he does not fully comprehend what his Excellency intends, because the remedy proposed of sending slaves out of the country is positively impracticable to any but Brazilians, and theirs would be liable to capture if met by British cruisers on the high seas. If, however, it should prove, as it is publicly reported, that the executive intends, by some legislative enactment, to appropriate this class of property to the service of the state, it will follow as a natural consequence that British subjects must be indemnified *in specie* for the full value of their property and the injuries they may thereby sustain.

The undersigned, trusting that the Government will not find itself placed in the situation of danger which it apprehends may justify this measure, salutes his Excellency with his particular consideration and respect.

(Signed) THOMAS SAMUEL HOOD.

His Excellency the Minister for Foreign Affairs,
&c. &c. &c.

No. 201.

Mr. Dale to Viscount Palmerston.

Montevideo, March 24, 1841.
(*Received June* 14.)

MY LORD,

A BRITISH merchant, resident in this city, has applied to me to grant a certificate of nationality to a negro boy, a native of Mosambique, lately arrived from Rio de Janeiro, bringing along with him a document (copy enclosed), granted by Her Majesty's Consul in that city, certifying that the boy had been made free, and that his freedom had been registered in the books of the Consulate.

Whilst in a state of slavery this boy was the property of a British subject, who believed that by giving the negro his freedom and having it duly registered by the British Consul, the individual would, at once, become entitled to British protection; and it is upon this ground that I have been applied to for a certificate of nationality.

Feeling that this case might become a precedent for others of a similar nature, I did not consider myself justified in depending upon my own judgment, and I asked the advice of Mr. Mandeville, by whom I am directed to give the boy my protection in case of need, and recommended to apply to your Lordship for farther instructions.

Perhaps your Lordship may not think it unnecessary that I should state my

belief that there are several British subjects, resident in this province, possessing property in slaves, who would feel much disposed to grant them their freedom upon the condition that the negroes so freed should become entitled to British protection in the manner sought by the present applicant.

I have, &c.
(Signed) JOHN POWNALL DALE.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

Enclosure in No. 201.

"I, ROBERT HESKETH, Her Britannic Majesty's Consul at Rio de Janeiro, do hereby certify that the black boy Gregorio, a native of Mosambique, has been this day made free, as per declaration, signed in a book in this office, marked 'General Register, 6, page 86.'

"Given under my hand and seal of office, at Rio de Janeiro, this 27th day of February, 1841,

(Signed) "ROBERT HESKETH,
"*Her Britannic Majesty's Consul.*"

No. 202.

M. Ellauri to Viscount Palmerston.

Paris, Mayo 6, de 1841.
(*Received August* 18.)

CUANDO tuve el honor de recibir, aunque con mucho atraso, la nota de V. E. de 5 de Septiembre del año proximo pasado, me hallaba á mucha distancia de esta capital, privado de los antecedentes respectivos, y en imposibilidad hasta el presente de contestarla como es de mi deber.

Mi Gobierno, al encomendarme las diferentes misiones, que debo desempeñar en Europa, me entregó todos los documentos que pudieran serles relativos. Entre ellos se encuentran no solamente los nuevos, que tuve el honor de anuciar á V. E. en mi oficio de 29 de Julio ultimo concernientes al bergantin Uruguayo "*Rio de la Plata,*" sino tambien la correspondencia habida entre V. E. y el Señor Giró cuando vino comisionado á esa corte. Por ella se vé con efecto que V. E. rechazó desde entonces toda idea de indemnizacion del citado bergantin y su cargamento, pero es necesario advertir al mismo tiempo que no fué una reclamacion en forma la que el Señor Giró entabló sobre este punto, pues que sus instrucciones solo le prevenian que hiciese una indicacion mas ó menos directa. El la hizo; y no es estraño que se hubiese ceñido á transmitir al Gobierno de la República la respuesta de V. E. En vista de todo esto no es posible que tal negocio se considerase de todo punto concluido, y que mi Gobierno hubiese renunciado al derecho, que no puede negársele, de reclamar del de S. M. lo que contenía mi citado oficio de 29 de Julio, mucho mas apoyándose en nuevos documentos.

Si al dirigirme por primera vez á V. E. sobre este punto puse de manifiesto los embarazos que su estado presentaba para la pronta ratificacion del Tratado sobre Abolicion del Tráfico de Esclavos, esto fue mas por esforzar las razones, en que se apoyaba la pretension, que por confundir dos asuntos, que son entre si enteramente distintos. Esto lo renonoce mi Gobierno, y no ofrece dificultad alguna.

He reputado de mi obligacion anticipar estos esclarecimientos por contestacion á la nota ultima de V.E. mientras llega el caso de entablar en forma, y mas de cerca la reclamacion competente.

Aprovecho, milord, esta nueva oportunidad para reiterar á V. E. el profundo respeto, y distinguida consideracion, con que soy

De V. E.,
Atento y obsecuente servidor,
JOSE ELLAURI,
Enviado Extraordinario y Ministro Plenipotenciario de la República Oriental del Uruguay.

Exmo. Señor Visconde Lord Palmerston,
&c. &c. &c.

(Translation.)

Legation of the Oriental Republic of the Uruguay,

My Lord, *Paris, May* 6, 1841.

When I had the honour to receive, though after considerable delay, your Lordship's note of the 5th of September last, I was at a great distance from this capital, and without the papers that related to the subject in question, so that I could not possibly return an answer to it, as was my duty, till this moment.

My Government, on charging me with the different missions I am to execute in Europe, furnished me with all the documents which could have any reference to them. Among them are not only the new ones I had the honour to announce to your Lordship in my letter of the 29th of July last, respecting the Uruguayan brig "*Rio de la Plata,*" but also the correspondence which passed between your Lordship and Mr. Giró, when he was deputed to the British court. It appears indeed from the latter that your Lordship repudiated instantly every idea of indemnity for the said brig and her cargo, but it ought to be mentioned at the same time that Mr. Giró's was not a formal reclamation on the subject, inasmuch as he was desired in his instructions only to make a more or less direct indication. With this he complied, and it is not to be wondered at that he confined himself to transmitting your Lordship's answer to the Government of the Republic. Accordingly that transaction cannot be considered as entirely concluded, or as if my Government had renounced the right, which cannot be denied it, of demanding from that of Her Majesty what was set forth in my letter of the 29th of July; so much the rather, as it will be able to produce fresh vouchers.

If, on addressing myself for the first time to your Lordship on this subject, I pointed out the embarrassments which the situation of my Government presented with regard to the speedy ratification of the Treaty for the Abolition of the Slave Trade, it was done merely with the view of giving force to the reasons on which the demand rested, rather than for the purpose of confounding two subjects totally different from each other. This is recognized by my Government, and it does not offer any difficulties.

I have deemed it my duty not to delay this explanation in answer to your Lordship's last note, preparatory to the proper reclamation being presented in form, and more near to the seat of the British Government.

I avail myself, &c.

(Signed) JOSE ELLAURI,
Envoy Extraordinary and Minister Plenipotentiary of the Oriental Republic of the Uruguay.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

No. 203.

Viscount Palmerston to M. Ellauri.

Sir, *Foreign Office, August* 26, 1841.

I have had the honour to receive the letter which you addressed to me on the 6th May last, relative to the claim for compensation in the case of the slave vessel "*Rio de la Plata,*" which you state it is the intention of the

Montevidean Government again to bring forward, with further papers, in support thereof.

Having as yet no information as to the nature of the grounds upon which the payment of compensation in this case will be urged, I can do no more than assure you that on this, as on all other questions, the representations made by the Montevidean Government will meet with due attention from Her Majesty's Government.

I may, however, take this occasion to express the satisfaction with which Her Majesty's Government learn from your note above mentioned, that, although when you first brought forward the claim in the case of the "*Rio de la Plata*," you pointed out the embarrassments experienced by the Montevidean Government in procuring the ratification of the Slave Trade Treaty, you had no intention of confounding these two questions, which you state that the Montevidean Government acknowledge to be totally distinct from each other.

I am, &c.
(Signed) PALMERSTON.

M. Ellauri,
&c. &c.

No. 204.

Viscount Palmerston to Mr. Dale.

SIR, *Foreign Office, September* 21, 1841.

THE opinion of Her Majesty's Advocate-General has been asked upon the question, put in your Despatch of the 24th March last, whether a negro made free by a British subject, and having the fact of that freedom registered in the books of a British Consulate, acquires by those circumstances a right to British protection.

And I have to state to you that there does not appear to be any modern law or usage applying to that question; but that by the ancient civil law, which law is established in the state of Montevideo, a slave when manumitted acquired the domicile of the person who granted him the act of manumission: and the Queen's Advocate is therefore of opinion that the slave who, in the instance in question, has been manumitted by a British subject, has thereby acquired the right of a British protection, until he shall have voluntarily domiciled himself elsewhere.

I am, &c.
(Signed) PALMERSTON.

J. P. Dale, Esq.,
&c. &c. &c.

No. 205.

Mr. Mandeville to Viscount Palmerston.

Buenos Ayres, July 19, 1841.
(*Received October* 7.)

MY LORD,

I HAVE the honour to acknowledge the receipt of your Lordship's Despatch of the 23rd April last, transmitting to me a communication from Her Majesty's Chargé d'Affaires at Rio de Janeiro, containing a statement that General F. Rivera, President of the Republic of the Uruguay, has given liberty to all slaves throughout the Oriental Republic, for the purpose, it appears by this statement, of increasing the military force for the defence of the country.

In obedience to your Lordship's directions contained in this Despatch, I shall not fail to use my best endeavours to prevent the re-establishment of slavery in the territory of that Republic.

I have, &c.
(Signed) H. MANDEVILLE.

The Right Hon. Viscount Palmerston, G.C.B.,
&c. &c. &c.

No. 206.

Mr. Dale to Viscount Palmerston.

Montevideo, July 14, 1841.
(*Received October* 8.)

My Lord,

I have had the honour to receive your Lordship's Despatches of the 15th, 22nd, and 23rd of April, with their various Enclosures.

With reference to the communication made to your Lordship by Her Majesty's Chargé d'Affaires at Rio de Janeiro, stating that Don Frutus Rivera, President of Montevideo, had given liberty to all slaves throughout the Republic of the Uruguay, I believe that it is only necessary for me to inform your Lordship that a measure of this nature was proposed by the Government, but that hitherto even a very greatly modified plan of emancipation has met with so decided an opposition generally, that it has not passed into a law, nor does it appear at all probable that this measure will be carried into effect, excepting as a last and desperate effort to raise troops to resist a foreign invasion, and the danger must be imminent indeed before even General Rivera dare venture upon an expedient so very unpopular.

The ends of justice and humanity would be ill attained by a partial manumission of the slaves, and for such a purpose, nor would it by any means hasten that general abolition of slavery throughout the province which is so sincerely to be wished.

Believing it to be in accordance with the true spirit of your Lordship's instructions, I shall deem it my duty to take the first opportunity to make known to General Rivera the sentiments of Her Majesty's Government on this subject, in the hope that it may produce some influence towards bringing about the adoption of measures tending to the total abandonment of slavery throughout the territory of this Republic.

I have, &c.

(Signed) JOHN POWNALL DALE,
Pro Consul-General.

The Right Hon. Viscount Palmerston, G.C.B.,
&c. &c. &c.

No. 207.

Mr. Mandeville to Viscount Palmerston.

Buenos Ayres, August 5, 1841.
(*Received October* 28.)

My Lord,

I have had the honour to receive your Lordship's Despatch of the 11th May last, acquainting me that Her Majesty's Government had been led to suppose that persons appointed by European Governments to reside as Ministers, or Consuls, or Agents in slave-holding countries are sometimes in the habit of hiring and of engaging in undertakings in which slave property is concerned, and your Lordship had in consequence addressed to all British functionaries in slave-holding countries a circular letter, of which a copy was transmitted to me in this Despatch.

Her Majesty's Government thinking it also important that the opinion of the Montevidean Government should be expressed in such a manner as to afford an additional discouragement to the Slave Trade, is of opinion that much good would be effected if the Montevidean Government would address to its agents in slave-holding countries instructions similar to those contained in the abovementioned circular Despatch from your Lordship to British functionaries therein residing, and your Lordship directed me to address a note to the Montevidean Government inviting them to do so.

I have in obedience to your Lordship's directions addressed a note this day

to the Montevidean Government on this subject, a copy of which I have the honour to transmit to your Lordship.

I have, &c.
(Signed) J. H. MANDEVILLE.

The Right Hon. Viscount Palmerston, G.C.B.,
&c. &c. &c.

Enclosure in No. 207.

Mr. Mandeville to M. Vidal.

SIR, *Buenos Ayres, August* 5, 1841.

IT would appear from information which has reached Her Britannic Majesty's Government, that persons appointed by European Governments to reside as Ministers, or Consuls, or Agents in slave-holding countries, are sometimes in the habit of hiring and maintaining slaves, and of engaging in undertakings in which slave property is concerned.

This has called for severe animadversion on the part of Her Majesty's Government on those functionaries who are capable of entering into such unseemly transactions, and Her Majesty's Government has in consequence addressed to all British functionaries in slave-holding countries a circular Despatch, deprecating in the strongest manner such and similar proceedings. And as Her Majesty's Government think it very important that the opinion of the Montevidean Government should be expressed upon this subject in such a manner as to afford an additional discouragement to the Slave Trade, I have received Lord Palmerston's instructions to invite in the name of Her Majesty's Government the liberal and enlightened Government of the Republic of the Uruguay to address to its agents in slave-holding countries instructions forbidding in the strongest manner any transaction whatever with slaves by which the smallest encouragement can be given to the nefarious traffic in slaves, as it would be unfitting that any officer holding an appointment under a Government which, like that of Montevideo, has abolished the traffic in slaves in its territory, should either directly or indirectly hold or be interested in slave property.

I have, &c.
(Signed) J. H. MANDEVILLE.

His Excellency Don Francisco Antonio Vidal,
&c. &c. &c.

No. 208.

Mr. Mandeville to Viscount Palmerston.

Buenos Ayres, August 10, 1841.
MY LORD, (*Received October* 28.)

SINCE writing the Despatch which I had the honour to address to your Lordship on the 19th ultimo, on the subject of a communication from Her Majesty's Chargé d'Affaires at Rio de Janeiro, stating that General Rivera, President of the Republic of the Uruguay, had given liberty to all slaves in that republic, I have received a Despatch from Her Majesty's Acting Consul-General at Montevideo, a copy of which I have the honour to enclose, in answer to one in which I begged of him to acquaint me if any decree exists in the Banda Oriental by which slavery has been abolished in that country.

Mr. Dale informs me, in his letter, that there is no decree by which slavery has been abolished in the republic of the Uruguay. A plan had been brought forward in the month of January last to emancipate slaves in that state, but the measure became so exceedingly unpopular, that for the present it appears to be given up. Mr. Dale, however, acquaints me, that, in a conversation which he had lately had with General Rivera, his Excellency told him

that he had by no means abandoned the intention of abolishing slavery throughout the republic, and that he hoped to live long enough to carry this intention into effect, although some time would elapse before it could be accomplished.

I have, &c.

(Signed) J. H. MANDEVILLE.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

Enclosure in No. 208.

Mr. Dale to Mr. Mandeville.

SIR, *Montevideo, August* 3, 1841.

I HAVE had the honour to receive your Despatch of the 28th ultimo, directing me to acquaint you if any decree exists by which slavery has been abolished in the republic of the Uruguay.

In reply I beg leave to inform you that no such decree does exist. It is, however, true that, in the month of January last, a plan to emancipate the slaves in this province was proposed by the Government of Montevideo, but the measure became so exceedingly unpopular that it appears for the present to be given up.

In a conversation I, a few days since, had with General Rivera, his Excellency informed me, that he had by no means abandoned the intention of manumitting the slaves and totally abolishing slavery throughout the republic, and that he hoped to live to carry this intention into effect, though some time must necessarily elapse ere it can be accomplished.

The poverty and sad absence of all proper economy in this Government are the great obstacles to improvement of any description, and particularly to the manumission of the slaves.

I have, &c.

(Signed) JOHN POWNALL DALE.

J. H. Mandeville, Esq.
&c. &c. &c.

No. 209.

Mr. Dale to Viscount Palmerston.

Montevideo, August 17, 1841.
(*Received October* 29.)

MY LORD,

I HAVE had the honour to receive your Lordship's Despatch of May 8th, addressed to Mr. Hood.

I beg leave to state to your Lordship, that, considering the present a most favourable moment to urge the Government of Montevideo to ratify the Slave Trade Treaty concluded by Mr. Mandeville in July 1839, I have represented to General Rivera that the immediate ratification of this Treaty cannot fail to be highly agreeable and pleasing to Her Majesty's Government, and that, by no longer delaying the formal exchange of the Treaty, he will stamp his assertion that it is his *wish* to abolish slavery altogether in this province, with a character of sincerity which it cannot possess, so long as an apparent disinclination exists on the part of the Government to put an end to the traffic in slaves.

And I now have the pleasure to inform your Lordship that General Rivera has this day stated to me, and he requests that I will, by this packet, communicate it to Her Majesty's Government, that he is *now* taking the necessary measures for legally ratifying the Treaty, and that he has no doubt it will be ready for exchange in a very short period of time.

There appears to be some difference of opinion as regards the legal mode of

ratification, and I believe it will be considered necessary to call together the Chambers.

Trusting that your Lordship will not disapprove of the steps I have taken to push forward to a conclusion this long-pending Treaty,

I have, &c.,

(Signed) JOHN POWNALL DALE,

The Right Hon. Viscount Palmerston, G.C.B. *Pro Consul-General.*
&c. *&c.* *&c.*

No. 210.

The Earl of Aberdeen to Her Majesty's Consul.

Foreign Office, October 30, 1841.

Circular sending Papers presented to Parliament.

(See No. 10.)

No. 211.

Mr. Mandeville to Viscount Palmerston.

Buenos Ayres, September 10, 1841.

MY LORD, (*Received December* 6.)

SINCE I have been in communication with the Montevidean Government regarding Her Majesty's mediation between it and the Government of Buenos Ayres, I have been constantly urging General Rivera by every means in my power no longer to defer the ratification of the Slave Trade Treaty concluded between Great Britain and that country in 1839; and I have now the satisfaction to inform your Lordship, that Mr. Dale, Her Majesty's Pro-Consul at Montevideo, in a letter of the 28th ultimo, an extract of which I have the honour to enclose, acquaints me that he has received a message from M. Vidal, the Montevidean Minister for Foreign Affairs, begging him to let me know that it is determined to call together the Chambers for the purpose of ratifying the Slave Trade Treaty; and that on or before the 1st of October he will officially notify to me that the Montevidean Government is ready to make the exchange.

I have, &c.

(Signed) J. H. MANDEVILLE.

The Right Hon. Viscount Palmerston, G.C.B.,
&c. *&c.* *&c.*

Enclosure in No. 211.

Extract of a Letter from Mr. Dale, dated Montevideo, August 28, 1841.

I HAVE this instant, whilst writing, received a message from Mr. Vidal, saying that he requests me to inform you that it is determined to call together the Chambers for the purpose of ratifying the Slave Trade Treaty, and that on or before the 1st day of October he will have the pleasure of officially notifying they are ready to make the exchange.

No. 212.

The Earl of Aberdeen to Mr. Hood.

Foreign Office, December 27, 1841.

Circular for all Laws upon Slave Trade.

(See No. 14.)

No. 213.

The Earl of Aberdeen to Mr. Mandeville.

SIR, *Foreign Office, December* 31, 1841.

WITH reference to your Despatch of the 19th of June, 1840, and its Enclosure, containing an intimation that upon the next meeting of the Legislative Chambers of the Republic of the Uruguay, the Government would recommend to them to ratify the Treaty signed by you on the 13th of July, 1839, for the suppression of the Slave Trade of the Uruguay, I have to observe, that in that Despatch you give reason to believe that the Treaty might have been submitted to those Chambers for ratification in the month of February last.

By a Despatch under date of the 17th of August last, received from Mr. Dale, acting British Consul at Montevideo, it appears that General Rivera had recently stated to him that he was taking the necessary steps for the ratification of the Treaty, and had no doubt it would shortly be ready for exchange. And by your Despatch of the 10th of September, I am led to hope the same result.

In case, however, that when this Despatch reaches you, the Montevidean ratification of this Treaty shall not have been completed, you will lose no time in pressing again upon the Government of the Republic the ratification of this Treaty; and, on learning that it is completed, you will proceed to exchange the ratification of Her Majesty against it without loss of time.

I am, &c.

J. H. Mandeville, Esq., (Signed) ABERDEEN.
&c. &c. &c.

NEW GRANADA.

No. 214.

Mr. Adams to Viscount Palmerston.

Bogota, October 29, 1840.
(*Received February* 14, 1841.)

My Lord,

Immediately upon the receipt of your Lordship's Despatch of the 31st December last, I renewed my conferences with the Granadian Plenipotentiary, and explained to him the amended Draft of a Treaty enclosed in that Despatch.

Unfortunately the civil dissensions of the Republic which have brought actual war to the gates of Bogota, have rendered it utterly impossible for this Government, engaged in a struggle for existence, to take the proposal of Her Majesty's Government into consideration; but I can assure your Lordship that I shall anxiously avail myself of the first interval of tranquillity to press these negotiations to a close.

I have, &c.
(Signed) WILLIAM PITT ADAMS.

The Right Hon. Viscount Palmerston, G.C.B., &c. &c. &c,

No. 215.

Viscount Palmerston to Her Majesty's Chargé d'Affaires and Consuls.

Foreign Office, April 15, 1841.

Circular sending Treaty with Argentine Confederation.

(See No. 1.)

No. 216.

Viscount Palmerston to Her Majesty's Chargé d'Affaires and Consuls.

Foreign Office, April 15, 1841.

Circular to Consuls, sending Convention with Hayti.

(See No. 2.)

No. 217.

Viscount Palmerston to Her Majesty's Chargé d'Affaires and Consuls.

Foreign Office, May 8, 1841.

Circular to Consuls on holding or being interested in Slave Property.

(See No. 43.)

No. 218.

The Earl of Aberdeen to Mr. Stewart.

Foreign Office, October 30, 1841.

Circular sending Papers presented to Parliament.

(See No. 10.)

No. 219.

The Earl of Aberdeen to M. Mosquera.

Foreign Office, November 12, 1841.

Circular sending Papers presented to Parliament.

(See No. 11.)

No. 220.

M. Mosquera to the Earl of Aberdeen.

2, *Chandos-street, Cavendish-square, November* 16, 1841.

(*Received November* 17.)

M. MOSQUERA ha tenido el honor de recibir, y leerá con particular interes, la copia de documentos relativos al Comercio de Esclavos, que di órden de Su Majestad se presentaron à las dos lámaras del Parlamento en sus últimas sesiones, y que el Muy Honorable Conde de Aberdeen se ha servido remitir à M. Mosquera en 12 del corriente.

The Right Hon. the Earl of Aberdeen, K.T.
&c. &c. &c.

(Translation.)

November 16, 1841.

M. MOSQUERA has had the honour to receive, and will read with particular interest, the copy of papers relating to the Slave Trade, which by command of Her Majesty were presented to the two houses of Parliament in the last session, and which the Right Honourable the Earl of Aberdeen transmitted to M. Mosquera on the 12th instant.

No. 221.

The Earl of Aberdeen to Mr. Stewart.

Foreign Office, December 27, 1841.

Circular for all Laws upon Slave Trade.

(See No. 14.)

No. 222.

The Earl of Aberdeen to Mr. Stewart.

SIR, *Foreign Office, December* 31, 1841.

I BEG to refer you to the archives of the mission at Bogota, where you will find a correspondence on the subject of a negotiation with which Mr. Adams was charged for a Treaty, a draft of which was sent out to him on the 31st of December, 1839, to be concluded between Great Britain and New Granada, for the suppression of the Slave Trade.

Mr. Adams, in his Despatch of the 29th of October, 1840, stated that the civil war then raging close to the gates of Bogota prevented the Granadian Government from taking at that moment the Treaty into consideration.

Her Majesty's Government hope that tranquillity will now have been restored in the State of New Granada; and I have to instruct you to take the earliest opportunity of pressing the Granadian Government to conclude the proposed Treaty as an act which will be peculiarly satisfactory to Her Majesty's Government and people.

I am, &c.

(Signed) ABERDEEN.

Robert Stewart, Esq.
&c. &c. &c.

PERU.

No. 223.

Mr. Wilson to Viscount Palmerston.

My Lord, *Sucre, September* 12, 1840.

I have the honour to transmit herewith copy and translation of a Decree issued under date of the 15th of July last, by the Government of Peru, in which it is declared, "that in order to perpetuate the memory of the Proclamation of the Chief of the Republic," namely, General Gamarra, "four slaves resident within the province of Lima, to be selected by lot, shall be solemnly manumitted at the expense of the State."

Insignificant as is this Decree from the very limited benefit to humanity thereby conferred, I have yet deemed it proper to communicate it to your Lordship, as emanating from a Government which in the month of December last sanctioned a law, passed in the previous month of November, under its immediate influence and auspices by the Congress of Huancayo, restoring to a state of slavery, till the ag of fifty years, above one hundred thousand children of slaves, born after the 28th of July, 1821, who had by a law, under date of the 12th of August of that same year, been declared to be free upon the attainment of their twenty-first year.

I have, &c.

(Signed) BELFORD HINTON WILSON.

The Right Hon. Viscount Palmerston, G.C.B.,
&c. &c. &c.

Enclosure in No. 223.

(Translation.)

The citizen Agustin Gamarra, Grand Marshal, Restorer of Peru, well-deserving of the country in an heroic and eminent degree, condecorated with the medals of the Liberating Army, of Junin, Ayacucho, and Ancach, with that of Restorer by the General Congress, Generalissimo of the naval and land forces, President of the Peruvian Republic, &c., &c., &c.

Considering,—

1. That the Republic has fulfilled its constitutional regimen by the assembly of the General Congress, and the proclamation of the President according to the form established by the Charter.

2. That an event of so much importance guarantees internal order, peace, and the prosperity and progress of the nation.

3. That the meeting of the Congress, and the Proclamation referred to in the 1st Article, have taken place in virtue of the free and pacific exercise by the nation of the right of election, according to established forms, thereby confirming the hopes of securing permanent order, and the exercise of public liberty subject to the dominion of the laws.

4. That no demonstration of joy is more philosophical, more suited to a civilized state constituted under a democratical system, and more in unison with the spirit of our peculiar laws, than the manumission of some slaves.

Decree.

Art. 1.—In order to perpetuate the memory of the Proclamation of the Chief of the Republic, four slaves resident within the province of Lima shall, by lot, be solemnly manumitted.

Art. 2.—This act of grace shall be enjoyed by such as may be favoured by the lottery, according to the method established by the lottery office.

Art. 3.—The said drawing of lots shall take place after the formation of a register of all the slaves of both sexes of the city and valleys, numbering them according to the order in which they are therein inscribed, and considering each number to represent the name to which it may correspond in the register.

Art. 4.—The drawing of the lots shall be authorised by the prefect of the department, sub-prefect of Lima, intendent of police, and Syndic procurators.

Art. 5.—So soon as the operation shall have been realized, the names of the slaves, to which the numbers drawn shall correspond, shall be published at the place of drawing; and a return thereof shall be officially transmitted to the Treasury, in order that the notary of that office may extend the letter of freedom, a just valuation being previously made by two intelligent persons; one of whom shall be named by the Treasury, and the other by the respective owner; and the value of the slaves shall immediately be paid.

Art. 6.—In the beforesaid letter, the cause of the manumission shall be stated; and by an express clause it shall be declared, that the State renounces the right of ownership in favour of the manumitted slaves.

The Minister of State in the despatch of Government is charged with the execution of this Decree. Given in Lima this 15th day of July, 1840.

(Signed) AGUSTIN GAMARRA.

By order of his Excellency,
(Signed) MANUEL FERREYROS.

No. 224.

Viscount Palmerston to Mr. Wilson.

Foreign Office, April 15, 1841.

Circular sending Treaty with the Argentine Confederation.

(See No. 1.)

No. 225.

Viscount Palmerston to Mr. Wilson.

Foreign Office, April 22, 1841.

Circular sending Convention with Hayti.

(See No. 2.)

No. 226.

Viscount Palmerston to H. M.'s Chargé d'Affaires and Consuls.

Foreign Office, May 8, 1841.

Circular Instruction as to holding Slave Property.

(See No. 43.)

No. 227.

Viscount Palmerston to Mr. Wilson.

Foreign Office, May 11, 1841.

Circular as to proposed instructions to Peruvian functionaries in slave-holding countries.

(See No. 3.)

No. 228.

Mr. Wilson to Viscount Palmerston.

Arequipa, December 31, 1840.
(*Received June* 3, 1841.)

My Lord,

In obedience to the directions contained in your Lordship's Despatch of the 20th of February last, I have procured the insertion in a public journal of this capital of the Apostolical letter promulgated on the 3rd of December, 1839, by His Holiness the Pope, on the subject of the Slave Trade; and I herewith transmit a copy of the 403rd number of the "Comercio," in which that letter is inserted.

In consideration of the repeated promises which I, and during my absence in Bolivia Mr. Sealy, had received from the Under Secretary of State that this letter should forthwith be published in the official gazette of Peru, I did not immediately on its receipt procure its publication in any other journal of this capital, well knowing that its publication in the official gazette would produce a better moral effect in this country; but after having been put off from day to day with positive promises, Mr. Melendez, a large slave holder, and President of the Council of State, accidentally in charge of the Executive power, positively refused t allow of this letter being published in the official gazette.

I likewise transmit a copy of the 331st number of the "Comercio," in which had been published a Spanish translation of His Holiness's letter, prior to the receipt y me of your Lordship's beforementioned Despatch.

The letter has also been published at Arequipa.

I have, &c.
(Signed) BELFORD HINTON WILSON.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

No. 229.

Mr. Wilson to Viscount Palmerston.

La Paz de Ayacucho, December 1, 1840.
(*Received July* 13, 1841.)

My Lord,

I have the honour to acknowledge the receipt on this day of your Lordship's Despatch of the 23rd of April last, transmitting to me three copies of a Treaty concluded at Caraccas on the 15th of March, 1839, between Her Majesty and the Republic of Venezuela, for the abolition of the Slave Trade.

I have, &c.
(Signed) BELFORD HINTON WILSON.

The Right Hon. Viscount Palmerston, G.C.B.,
&c. &c. &c.

No. 230.

Mr. Wilson to Viscount Palmerston.

Lima, June 2, 1841.

MY LORD, (*Received September* 21.)

I HAVE the honour to acknowledge the receipt on this day of your Lordship's Despatch, forwarded *viâ* Panamá, of the 13th of August of last year, transmitting one copy of two series of papers that have likewise been received, relating to the Slave Trade, which were presented to the two Houses of Parliament during the Session of 1840, by Her Majesty's command.

I profit by this opportunity also to acknowledge the receipt of your Lordship's Despatch of the 10th of September last.

The negotiations on Slave Trade with Peru cannot be proceeded with until the meeting of a Congress, for the reasons stated to your Lordship in my Despatches of the 6th of June and of the 18th of July of last year.

I have, &c.

(Signed) BELFORD HINTON WILSON.

The Right Hon. Viscount Palmerston, G.C.B.,
&c. &c. &c.

No. 231.

The Earl of Aberdeen to Mr. Wilson.

Foreign Office, October 30, 1841.

Circular sending papers presented to Parliament.

(See No. 10.)

No. 232.

Mr. Wilson to Viscount Palmerston.

Lima, August 30, 1841.

MY LORD, (*Received December* 20.)

I HAVE the honour of transmitting herewith a copy of a note that I have addressed to the Peruvian Minister of Foreign Affairs, expressing my confident belief that his Government will not accede to the prayer of a memorial presented thereto by Don Francisco Xavier Calvo, in the name and on behalf of twenty-four persons of consideration in Lima, soliciting an authorization to introduce into Peru Slaves from the coast of Africa.

I have profited by the present opportunity to request Mr. Tudela's attention to the state of the pending negotiation between Great Britain and Peru for the suppression of the Slave Trade of this Republic, and to submit to him the propriety and expediency of signing a Treaty thereupon, *sub spe rati,* upon obtaining an authorization to that effect from the Council of State: following the example set by Mr. Ferreyros, late Minister of Foreign Affairs, in his recent negotiation and signature of a Commercial Treaty with the Brazils.

Mr. Tudela has stated in reply, a copy and translation of which are herewith transmitted, that my note has, by order of his Government, been submitted to the Council of State, for the opinion of that body on the two points to which it relates.

Mr. Calvo is a native of Lima, but for many years has been established as a merchant at the Havana, to which he is on the eve of returning; so that, had his pretension to legalize the Traffic in Slaves between Africa and Peru been acquiesced in, doubtless, under cover of that licence, the Peruvian flag would

have been resorted to for the equally infamous purpose of covering Slave Trade expeditions to the Havana.

Don José del Carmen de Triunfo, Consul-General of New Granada, and Don Ramon Guzman y Quiñones, Consul-General of the Equador, have both promised me to address notes to this Government, strongly pointing out the obligatory and binding character on Peru of the 14th Article of the Treaty between Colombia and Peru, prohibiting the traffic in slaves from Africa, and declaring such a trade to be a crime of piracy, as respects the citizens and vessels of the two Republics; and, finally, to assure this Government of the deep and increasing interest felt by their own in the faithful observance of this solemn international engagement by all the signing parties thereto.

I therefore trust that the attempt to revive the Slave Trade of Peru will finally meet with a signal defeat, notwithstanding the actual political influence of its powerful supporters.

I have, &c.

(Signed) BELFORD HINTON WILSON.

The Right Hon. Viscount Palmerston, G.C.B.,
&c. &c. &c.

First Enclosure in No. 232.

Mr. Wilson to the Peruvian Minister for Foreign Affairs.

Lima, August 16, 1841.

An announcement has been made in the 658th number of the 'Comercio,' a public journal of Lima, that twenty-four persons of consideration (notables) have executed their power of attorney to a merchant of this capital, to solicit from the Supreme Government an authorization to introduce into Peru slaves from the coast of Africa; and that a memorial to that effect has been presented to the Minister for the Home Department ("Ministerio de Gobierno").

Finally, the praiseworthy determination of that periodical is therein announced nobly to stand forward in the defence of the honour of America, and of the cause of humanity, by fearlessly combating on their behalf the influence and power of private interests involved in this question.

It would be an offence to Peru to admit even of the possibility of its Government lending its sanction, in violation of national and international engagements, to a renewal of a traffic in human flesh; of a piratical war against the inhabitants of Africa; which, after disgracing and degrading Europe as well as America for so many years, has at length been formally abandoned by every country in Christendom.

"For the actual Slave Traders, in fact, and properly speaking, belong,"—as justly observed by Her Majesty's Principal Secretary of State for Foreign Affairs, in a note that he addressed in December, 1839, to the Chargé d'Affaires in London of his Majesty the Emperor of Austria,—"to no particular nation, but are a gang of buccaneers and pirates, consisting of adventurers and criminals, born in various countries, and who shift their residence from country to country, and their traffic from flag to flag, as best suits their convenience."

The honourable part Peru has taken, and has formally expressed her willingness hereafter to take, in effectually procuring the entire suppression of the Slave Trade of Peru, and of declaring it to be a crime of piracy, is fully shown in the correspondence that has passed between the Peruvian Minister of Foreign Affairs and the Undersigned; and more especially so in the note dated the 4th of June of last year that the Minister addressed in reply to the notes of the Undersigned of the 25th of September, 4th of November, 27th of December, 1839, 1st of February, and 6th of May, 1840; in which he transmits, for the information of Her Majesty's Government, the report ("*dictamen*") issued by the Council of State, under date of the 1st of June of last year, and adopted as its own resolution by the Peruvian Government, respecting its willingness to conclude with Her Britannic Majesty a Treaty for the entire suppression of the Slave Trade of Peru, in conformity to the draft submitted to its considera-

tion by the Undersigned, the moment it shall obtain the constitutional authorization of the Congress formally to enter upon its negotiation.

The Undersigned, fully relying upon the good faith with which that declaration has been made, only now refers thereto for the purpose of soliciting Mr. Tudela's attention to the present state of the negotiations on Slave Trade between Great Britain and Peru, in the hope that, with a view of affording another proof to the civilized world, as well as the Slave Trade adventurers, of the unalterable determination of his Government to adhere religiously to the Christian and humane principles that have hitherto actuated the policy of Peru upon this vital subject, will, imitating the example set by Mr. Ferreyros in his recent negotiation and signature of a commercial treaty with the Brazils, obtain from the Council of State a similar authorization to negotiate and sign the Treaty; *sub spe rati*, with Her Britannic Majesty for the suppression of the Slave Trade of Peru, which the Peruvian Government has already formally expressed its willingness hereafter to conclude.

As bearing upon the Slave Trade in connexion with Christianity, the Undersigned profits by this opportunity to transmit to the Peruvian Minister of Foreign Affairs a copy of an Apostolical letter, promulgated on the 3rd of December, 1839, by his Holiness the Pope, on the subject of the Slave Trade.

The Undersigned avails himself of this opportunity to renew to the Peruvian Minister for Foreign Affairs the assurances of his high respect and distinguished consideration.

(Signed) BELFORD HINTON WILSON.

The Peruvian Minister for Foreign Affairs,
&c. &c. &c.

Second Enclosure in No. 232.

The Peruvian Minister for Foreign Affairs to Mr. Wilson.

(Translation.)

SIR, *Lima, August 27*, 1841.

HER Britannic Majesty's Chargé d'Affaires' esteemed note, addressed to the undersigned Minister of Foreign Affairs, under date of the 16th instant, with a view that the expedition which several individuals of this city are desirous of sending to the coast of Africa for the purpose of bringing slaves, shall not be permitted, and that the negotiation of the Treaty for the abolition of this traffic may be acceded to, has been laid before the Government of the undersigned; and by its order it has been transmitted to the Council of State for their opinion upon both points.

The Government of the undersigned trusts that the Council will absolve this question in satisfactory terms; and the undersigned will have the honour of opportunely communicating their decision to Mr. Wilson.

The undersigned renews to Mr. Wilson the assurances of consideration and esteem with which he remains

His obsequious Servant,

(Signed) MANUEL PEREZ DE TUDELA.

No. 233.

The Earl of Aberdeen to Mr. Wilson.

Foreign Office, December 27, 1841.

Circular asking for all Laws on Slave Trade.

(See No. 14.)

No. 234.

The Earl of Aberdeen to Mr. Wilson.

SIR, *Foreign Office, December* 31, 1841.

I HAVE received and laid before the Queen your Despatch of the 30th of August last, respecting an attempt made to revive the Slave Trade in Peru; and I have the satisfaction to acquaint you that Her Majesty's Government entirely approves of the representation which you addressed upon this subject to the Peruvian Minister for Foreign Affairs in your note of the 16th of August last.

It is to be hoped that the plan for reviving the Slave Trade of Peru will not receive any encouragement from the Government of that country: but if a peremptory refusal to entertain it should not have been given by the Peruvian Government, or if the attempt to introduce the Trade should be repeated, you will immediately address a further note to the Peruvian Minister, remonstrating strongly against the proposed measure.

You will point out to the attention of the Peruvian Government the Treaty concluded on the 5th of June, 1837, between Great Britain and the Peru Bolivian Confederation, of which at that period Peru formed a part.

By the 14th Article of that Treaty the Peru Bolivian Confederation bound itself to prohibit all persons inhabiting the territories of the Republic, or subject to their jurisdiction, from taking any share in the Slave Trade.

You will remind the Peruvian Government that Peru, although separated from Bolivia, cannot absolve herself from the obligations contracted by her when united with Bolivia; that while Her Majesty laments that Peru should still demur to contract the Treaty proposed to her by Great Britain for the more effectual abolition of the traffic, Her Majesty expects that Peru will at least adhere strictly to the stipulations which that country has absolutely contracted to this end.

You will further draw the attention of the Peruvian Government to the commencement of the Article already quoted of the Treaty contracted in 1837, by which Peru bound herself to co-operate with Her Majesty for the total abolition of the Slave Trade; and you will finally express the earnest hope of Her Majesty's Government that the Peruvian Government will not thus stand almost single among the civilized Powers of Christendom in declining to conclude a Treaty for the effectual and final extinction of a traffic proscribed by all.

I am, &c.

Belford H. Wilson, Esq. (Signed) ABERDEEN.
&c. &c. &c.

TEXAS.

No. 235.

Protocol of Conference held at the Foreign Office, May 19, 1841, *between the Plenipotentiaries of Great Britain and of Texas.*

WHEREAS there was concluded between Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and the Republic of Texas, on the 13th of November, 1840, a Treaty of Commerce and Navigation; and on the 14th of November, 1840, a Convention containing certain arrangements relative to public debt; and, further, on the 16th of November, 1840, a Treaty for the suppression of the African Slave Trade; and it was stipulated that the ratifications of all these Treaties should be exchanged at London within nine months from the time when they were respectively signed:

And whereas unforeseen delays retarded the journey of Mr. Burnley, the gentleman by whom the original of the last of those three Treaties was forwarded by the Texian Plenipotentiary in London to his Government; and whereas the Congress of Texas separated this year earlier than was expected, and was no longer sitting when Mr. Burnley arrived at Galveston; and whereas, in consequence of these circumstances, the Texian Senate have as yet advised and consented to the ratification of only two out of the said three Treaties, the third not having yet been submitted to their consideration:

And whereas it was agreed between the British and the Texian Plenipotentiaries, that the ratifications of all the three above-mentioned Treaties should be exchanged simultaneously:

And whereas the Texian Congress will not meet again until the month of October next:

Therefore, the Plenipotentiaries of Great Britain and of Texas, who signed the three Treaties aforesaid, having now met together, have agreed, and do hereby agree and declare, that the time for the exchange of the ratifications of the said Treaties shall be extended to the 1st day of June, 1842.

(Signed) PALMERSTON.
J. HAMILTON.

No. 236.

Protocol of Conference held at the Foreign Office, December 14, 1841, *between the Plenipotentiaries of Great Britain and of Texas.*

WHEREAS by the Protocol of a Conference held on the 19th of May, 1841, the period originally stipulated for the exchange of the ratifications of three Treaties between Great Britain and the Republic of Texas, signed respectively on the 13th, 14th, and 16th of November, 1840, was extended to the 1st of June, 1842:

And whereas the Texian Plenipotentiary is about to proceed to Texas, and may not find it possible to return to England as soon as the 1st of June, 1842:

Now, therefore, the Plenipotentiaries of Great Britain and of Texas having met together, have agreed, and do hereby agree and declare, that the period for the exchange of the ratifications of the said Treaties shall be further extended to the 1st of August, 1842.

(Signed) ABERDEEN.
J. HAMILTON.

UNITED STATES.

No. 237.

Mr. Stevenson to Viscount Palmerston.

23, *Portland Place, August* 26, 1839.
(*Received August* 27.)

THE undersigned, Envoy Extraordinary and Minister Plenipotentiary from the United States, has the honour, pursuant to instructions received from his Government, to communicate to Viscount Palmerston, Her Majesty's Principal Secretary of State for Foreign Affairs, the accompanying papers, detailing the particulars of an outrage committed in April last upon an American ship (the "*Susan*" of Boston, Thomson master), near Cape Frio light, by the commander of, and by a boarding officer from, Her Majesty's armed brig "Grecian," and to invite the early attention of his Lordship to the complaint therein contained.

In presenting to the notice of Her Majesty's Government a case so manifestly violating the respect due from one friendly nation to the flag of another, the undersigned has the honour to request that an inquiry may be instituted into the whole matter, and the allegations against the officers of the "Grecian" carefully examined, in order, should they turn out to be well founded, that conduct and language so unwarrantable and disreputable to Her Majesty's naval service may meet the reprehension and punishment they merit, and which they will doubtless receive from Her Majesty's Government.

The undersigned, &c.

(Signed) A. STEVENSON.

The Right Hon. Viscount Palmerston, G.C.B.,
&c. &c. &c.

First Enclosure in No. 237.

Mr. George Bancroft, Collector of the Port of Boston, to Mr. Forsyth.

(Extract.) *Custom House, Boston, July* 12, 1839.

HEREWITH I return the extract from the log-book of the ship "*Susan*" of Boston, received from your department on the 1st of June. It has been carefully examined with the original entry in the log-book of the ship, and found correct in all its parts.

Second Enclosure in No. 237.

Messrs. Austin, Parker, and Brewer to Mr. Forsyth.

SIR, *Boston, May* 20, 1839.

WE annex an extract from the log-book of the ship "*Susan*," Captain Thomson, from Rio de Janeiro, on board of which vessel we came passengers, and confirm the same as a true statement. Feeling indignant, as citizens of

the United States, at an outrage to our flag of this nature, we wish that you should be informed of it, and, for our information, to respectfully ask of you how far the rights of foreign men-of-war extend to our merchant-vessels. Whether, upon satisfying the boarding officer we were a merchant-vessel of the United States, in a legal trade, the captain could not have ordered him and his force to leave the ship; and, upon refusal, whether the ship could not have been abandoned to him? Whether he had the right to take the captain or passengers on board the man-of-war? and, again, whether we were bound to wait for orders from a foreign man-of-war to proceed on our course after satisfying him of the character of our ship? The statement does not in the least exaggerate the piratical manner in which we were boarded and the insolent conduct of the officer. The fact of one of us knowing the "Grecian," and the boarding officer, relieved our minds from the fear we were taken by a pirate.

(Signed) DANIEL P. AUSTIN.
THEODORE D. PARKER.
JOS. H. BREWER.

Mr. Forsyth,
&c. &c. &c.

Third Enclosure in No. 237.

Extract from the Log-Book of the ship "Susan," *of Boston, April* 10, 1839; *Cape Frio light in sight.*

At 7 h. 15 m. P.M. saw a vessel on the starboard bow steering to the southward, and when on our quarter she bore up to us and fired a gun, the wad striking just under our stern. We immediately hove the main topsail to the mast; and, while lying in that situation [hove-to] for her to come up with us, she fired a shot, which was seen and heard to hiss through the air within a very few feet of the ship, and struck abreast of the starboard fore-rigging. In a few minutes she was alongside, hailed us to know who [we] were; answered "'*Susan*,' from Rio de Janeiro." He was then asked, "What brig is that?" and replied the "Grecian;" and was then asked, "What do you mean by firing a shot into us?" His answer was, "If you don't heave-to, I'll fire into you;" and was replied to, that the ship was, and had been, hove-to some time. She then sent a boat with an officer and four men, who boarded us in a piratical manner, they being armed with cutlasses and muskets; and the first words the officer said upon reaching the deck were, "Who is the captain?" of whom he immediately demanded to know by what right he hailed Her Majesty's brig "Grecian" to know why he fired, &c. &c. The captain replied by repeating the same question, to which he (the officer) in a very impertinent manner, said he would send Captain Thomson on board the "Grecian." Here the passengers interfered, and said, "No, you don't, unless you use force;" to which he replied, he would use force, and take the passengers also, who replied, "Do it, if you dare." He then asked to see the papers, and was told he could see the register only; and at the same time ordered a man and a loaded musket on deck from his boat, and took possession of the ship, saying he would make a signal, and order more force. In the height of his impertinence he was requested to perform his duty, and go about his business; to which he replied, "I shall take my own time, and sha'nt hurry, and want none of your cheek;" that, if he was to do his duty properly, he should send us all on board the "Grecian," as he had the force, and it was in his power to do so; and was again told he had better quickly do his duty, as we did not wish to be detained by him all night. After asking the usual questions, without looking at the register, he ordered the captain not to fill away until he received permission from the "Grecian;" and then left the ship without offering to put into execution any of his violent and impertinent threats of taking the captain and passengers on board the "Grecian." As soon as the boat reached the brig, they hailed us with "You can go on," filled away, and left us, and we proceeded on our course.

Custom-House, Boston, June 17, 1839.

I DO hereby certify that the foregoing extract from the log-book of the ship "*Susan,*" now in this office, has been carefully examined with the original entry in said log-book, and found correct in all its parts.

Given under my hand and seal of office the day and year above written.

(L.S.) (Signed) GEORGE BANCROFT,
Collector.

No. 238.

Viscount Palmerston to Mr. Stevenson.

Foreign Office, September 9, 1839.

THE undersigned, &c., has the honour to acknowledge the receipt of the note of the 26th ultimo, from Mr. Stevenson, &c., complaining of the conduct of the commanding officer and of one of the subordinate officers of Her Majesty's brig "Grecian" towards the American vessel "*Susan,*" near Cape Frio.

The undersigned has the honour to acquaint Mr. Stevenson that an inquiry has been instituted into the circumstances complained of, and that he will not fail to communicate to Mr. Stevenson the result of that inquiry.

The undersigned, &c.

Mr. Stevenson,
&c. &c. &c.

(Signed) PALMERSTON.

No. 239.

Viscount Palmerston to Mr. Stevenson.

Foreign Office, April 23, 1840.

THE Undersigned, &c., in his note, dated the 9th of September last, had the honour to inform Mr. Stevenson, &c., that an inquiry had been instituted upon the complaint brought forward by Mr. Stevenson in his note, dated the 26th of August, relative to an alleged outrage committed upon an American ship, the "*Susan,*" of Boston, near Cape Frio light, on the 9th of April, by the Commander of Her Majesty's sloop "Grecian," and a boarding officer from that vessel.

The Undersigned has now the honour to transmit to Mr. Stevenson a copy of a letter from the Secretary of the Admiralty, enclosing an extract of a letter from Commander Smyth, of Her Majesty's sloop "Grecian," and a copy of a letter from Mr. N. B. Pearse, master of that sloop, explaining the circumstances attending the detention of the "*Susan,*" on the occasion to which Mr. Stevenson's note refers.

The Undersigned trusts that the Government of the United States will see, from the narrative which these papers contain, that nothing was done by the officer of the "Grecian" of which the United States Government can justly complain; but that, on the contrary, Her Majesty's Government have good ground for complaining of the rude and offensive behaviour of Mr. Brewer, a passenger on board the "*Susan,*" towards Her Majesty's officers while employed in the performance of their duty; and the Undersigned has to observe, that, from what is stated in these reports, there seems strong reason to suspect that Mr. Brewer was not unconnected with Slave Trade undertakings.

The Undersigned, &c.

(Signed) PALMERSTON.

First Enclosure in No. 239.

Sir John Barrow to Lord Leveson.

My Lord, *Admiralty, April* 14, 1840.

With reference to your letter of the 7th of September last, I am commanded by my Lords Commissioners of the Admiralty to transmit to you herewith, for the information of Viscount Palmerston, an extract of a letter from Commander Smyth, of Her Majesty's sloop "Grecian," dated 10th December, 1839, and a copy of a letter from Mr. M. B. Pearse, master of that sloop, which accompanied it, relative to the detention of the American ship "*Susan*," off Cape Frio, by the "Grecian," on the 9th of April, 1839.

I have, &c.
(Signed) JOHN BARROW.

Lord Leveson,
&c. &c. &c.

Second Enclosure in No. 239.

Commander Smyth to Commodore Sulivan.

Her Majesty's sloop "Grecian,"
(Extract.) *December* 10, 1839.

In reply to your letter of the 25th of November, 1839, enclosing copies of a correspondence relative to the United States barque "*Susan*," boarded by a boat from Her Majesty's sloop under my command, I have the honour to state to you, for the information of my Lords Commissioners of the Admiralty, that while cruizing off Cape Frio I was standing towards the Cape with a prize, and at half-past seven P.M., it being quite dark, flashes were reported as being seen to leeward, which appeared to me to be signals with slave-vessels, as I knew that several were expected, and among them a bark called the "*Commodore*."

I desired the prize to continue her course for the Cape, and then bore up in the direction of the lights, and very soon after discovered a sail, upon which I hoisted a light and fired a blank gun to bring her to; as far as we (the officers and myself) could distinguish from the obscurity of the night, the vessel paid no attention to our signals; I, then, being anxious not to separate from the prize, ordered a shotted gun to be fired well a-head of the vessel, and shortly after ran up alongside of, and hailed her in the following manner:—"This is Her Britannic Majesty's brig 'Grecian,'—what barque is that?" The answer was—"The '*Susan*' from Rio Janeiro. God damn you! what do you mean by firing a shot across our bows? I'll blow you out of the water."

Not feeling satisfied from the style of the answer what the vessel was, I hailed to say I should send a boat on board. I therefore ordered the jolly-boat to be lowered, and sent Mr. Pearse, master, to ascertain what vessel she was (and the statement of that officer, which accompanies this letter, relative to what took place on board the "*Susan*," I beg leave to transmit for their Lordships' information).

On the return of the boarding officer, he related to me, as far as my memory will allow, precisely the words that are in his statement. I confess I should have detained her and inquired into such unbecoming behaviour, had I not been pressed to rejoin the prize who had on board 430 souls, who I was extremely anxious should get into port with the utmost speed: therefore every moment's detention to me was of the greatest importance, and I was reluctantly constrained to permit my officer, in fact my ship, to suffer an indignity without being able from circumstances to examine the case, so as to make an official report thereon. An additional cause of my anxiety to rejoin the prize was through fear that she might mistake the light shown by the "*Susan*" for Cape Frio light, which at that time was not visible.

Third Enclosure in No. 239.

Mr. Pearse to Commander Smyth.

Her Majesty's sloop "Grecian,"
Buenos Ayres, December 10, 1839.

SIR,

IN compliance with your orders, I beg leave to state what occurred on the night of the 9th of April last, while in company with the United States barque "*Susan.*"

Being on board the brig "Grecian," cruizing off Cape Frio, engaged in the suppression of the Slave Trade, and particularly looking out for a slave-barque that was daily expected, viz. the "*Commodore,*" at 7 h. 30 m. P.M., it being very dark, a light was observed inshore of us, which was visible only at intervals, but, when visible, was very bright; this was suspected to be a slave-vessel, making signals to the shore (this being a place where slaves in great quantities are landed); we stood after her and fired a blank gun, and, she not heaving-to, a shot was fired a-head of her. On closing with her she seemed to be a barque; she was hailed by you from the forecastle, telling what ship this was, and asking what she was; the reply was the ship's name, and "God damn you! what do you mean by firing across our bows? If you fire again, I 'll blow you out of the water." I was then ordered to board her, which I did in the jolly-boat. On going alongside, I had considerable difficulty in getting on board, it being very dark, and a considerable sea on. No rope was handed over the side, or any of the usual assistance given to a boat going alongside of a vessel.

I had considerable difficulty in scrambling up her side; when I got on deck I called for the captain, but was immediately surrounded by several persons, who were most clamorous and noisy, particularly one person of the name of Brewer, whose language and general deportment were most insolent and abusive. I told him I had nothing to say to him, but wished to see the captain, on which he merely continued to repeat his abuse, and to offer every interruption to my obtaining any information as to what the vessel was. I repeated to him several times that I had no business with him, and wished to say nothing to any one but the captain; but all my efforts to have any conversation with him, for as yet I had not seen him, were interrupted by the noisy and turbulent behaviour of the said Mr. Brewer, who was now joined in his reproaches and abuse by the other persons standing round, and much confusion was produced on deck by their violent language and insolent menaces.

I had not yet seen the captain; and, although I believed Mr. Brewer to be an American citizen, my mind was by no means free from suspicion of the vessel being a slaver.

This same Mr. Brewer having declared in a boasting manner some time previously in Rio Janeiro, that he was the person who had sold the very slave-vessel that we were now in chase of, the "*Commodore,*" to her present owners, under these circumstances, I told them that, if I was interrupted by them in communicating with the captain, I should make a signal to the brig for assistance, and, calling one man out of the boat, desired him to bring a musket and a lantern, to enable me to make the necessary signal.

I had not yet seen the captain, nor had I any proof of the nationality of the vessel; they were now more silent, and, having at length ascertained who was captain, I asked him to show me his papers. Mr. Brewer then again interfered, desiring the captain to show nothing but the register. I told them I only wished to satisfy myself that she was an American vessel. I went into the cabin with the captain, and inspected the register, and entered her name, &c., in the boarding-book in the usual manner. While so engaged Mr. Brewer and the other passengers came into the cabin. I asked the captain why he gave such an answer to a British man-of-war hailing her, when he told me he had made no such reply, and that which was given had been given by Mr. Brewer, who was a passenger, but not by him, the captain.

While making the short notation in the boarding-book, Mr. Brewer and the others insisted on my going away, and not detaining them, to which I replied that I should take what time was necessary.

The only time that was lost was by the insolent behaviour of Mr. Brewer and the others.

Having seen the register, and being satisfied that she was a regular trading-vessel, I made no further inquiries, but left the vessel, requesting she would not make sail until I got on board the "Grecian," to make the report of her.

I came on board the "Grecian," then within hail of the "*Susan*," and, having reported her, you immediately hailed her to go on.

From the time she first hove-to, until she filled again, did not exceed half an hour; and the time occupied by me in examining her register, when once produced, did not exceed five minutes.

The whole affair occupied as little time as possible, having been ordered to return immediately, in order to rejoin the "*Ganges*" prize slave-brig, from which we had parted company, and being anxious about her, lest she should have been deceived by the lights seen from the "*Susan*," and mistake them for Cape Frio light, which was not then visible.

And I further state that I am ready, if called upon, to substantiate on oath the foregoing statement.

I have, &c.

(Signed) N. B. PEARSE,
Master of Her Majesty's sloop "Grecian."

No. 240.

Mr. Stevenson to Viscount Palmerston.

32, *Upper Grosvenor Street, May* 15, 1840.

THE Undersigned, Envoy Extraordinary and Minister Plenipotentiary from the United States, has the honour to inform Lord Palmerston, Her Majesty's Principal Secretary of State for Foreign Affairs, that he has received instructions which make it his duty again to invite the attention of Her Majesty's Government to the continued excesses which, it appears, are still practised by British naval officers upon the vessels and commerce of the United States in the African seas, and more particularly to bring to its notice a recent aggression, of a marked and extraordinary character, committed by the commander of one of Her Majesty's cruisers upon an American brig on the high seas, and which, in the opinion of the President of the United States, calls for the immediate action of Her Majesty's Government.

To enable Lord Palmerston to judge of the nature and extent of this outrage, the Undersigned has the honour of transmitting to his Lordship the accompanying documents detailing the whole proceeding; amongst which will be found the original log-book of the American brig, from the time of her sailing from the Havana to that of her return to that port, four or five months after.

From these papers it appears:—that on the 21st of June, 1839, an American brig called the "*Mary*," the property of Peter Sabate, of the city of New Orleans, and under the command of Captain David Tomlinson, (both citizens of the United States,) sailed from the Havana for the Gallinas and Cape Lopez, with a valuable cargo of merchandise belonging to the commercial house of Blanco and Caballo of that city.

That this vessel was regularly cleared from the Havana by the Consul of the United States for ports on the African Coast.

That on the 18th of August, while pursuing her voyage, and within sight of Cape Mount, and not more than 25 or 30 miles from the port of destination, a British cruiser called the "Forester," commanded by William Bond, and sailing under the British flag, bore down and fired a gun across the bow of the "*Mary*," for her to heave to.

That the American colours were hoisted on board the brig, and in full view of the British cruiser.

That Captain Tomlinson accordingly came to, when his vessel was imme-

diately boarded by the commandant of the "Forester," with a subordinate officer, and six or eight of the crew.

That upon an examination of the ship's papers, which were all regular, Captain Bond expressed himself dissatisfied; declared that the American Consul at the Havana, by whom they were signed, had been removed by his Government; ordered the hatches immediately to be opened; turned up and examined the whole cargo; broke open and destroyed ten boxes or liquor cases, and finally seized the said vessel and cargo as lawful prize.

That the vessel was thereupon carried by force into Sierra Leone for condemnation; but the Prize Court refused to exercise jurisdiction over her, upon the ground that she was American property, and that the seizure had been unauthorized and illegal.

That this took place on Saturday the 24th of August, at 3 o'clock P.M., at which time orders were given to Captain Tomlinson to leave the port by one o'clock the following day; with a further notification, that if there was any delay beyond that hour, his vessel would be again seized.

That his papers were then in possession of Captain Bond, as were also five of his crew, and that she had not besides suitable provisions of wood or water for going to sea.

That it was not until after three o'clock that possession of the brig was restored to Captain Tomlinson by the officer, with a part of her papers and four of her crew. On the following day, however, she was again boarded by another officer, who brought with him the remainder of the papers, without the fifth seaman (the steward), who was retained.

That in consequence of this notification, Captain Tomlinson made immediate preparation to sail, and accordingly put to sea, though so unprovided with wood and water as to make it extremely hazardous to do so.

That on the 30th of August the brig reached the Gallinas, where she went for provisions, and on the 23rd of September Captain Tomlinson died, from a fever which he had taken in consequence of his detention in the deadly climate of the African Coast.

It further appears, that the "*Mary*" was a clump brig, utterly unsuitable for the purposes of a slaver, and manifestly intended for the employment in which she was engaged, of transporting cargoes of ordinary merchandise.

Such is a brief recital of the facts of this case, which will be found, however, more particularly detailed in the documents which accompany this letter. They afford proof too manifest and decisive to leave room for doubt or denial, as to the extent of the outrage, or the reparation which it calls for.

Not content with having boarded and searched (acts in themselves of insult and violence), the commandant of the British cruiser had the temerity actually to capture and send into a foreign port for condemnation in time of peace, as lawful prize, the vessel of a friendly nation engaged in lawful commerce upon the high seas, and under the protection and jurisdiction of its own flag; and that, too, in the absence of that degree of suspicion which, under the provisions of existing Treaties between Great Britain and other nations in relation to the Slave Trade, would alone justify a mutual right of search and capture of their respective vessels.

Indeed the whole proceeding on the part of Captain Bond would seem to want nothing to give it the character of a most flagrant and daring outrage, and very little, if anything, to sink it into an act of open and direct piracy.

Such is the view of the case which the Undersigned has been instructed to present to the consideration of Her Majesty's Government, and in preferring a claim for suitable indemnity to the owners of the "*Mary*," he has been further directed to ask for the exemplary punishment of the commander of the "Forester," and those concerned in so wanton and unjustifiable an outrage.

In performing this duty, the Undersigned will forbear to enlarge upon the subject. After the former notes which he has had the honour of addressing to Lord Palmerston, and in which he took occasion to express very fully the views of his Government in relation to these violations of its flag, and the vexatious interruptions to which the commerce and navigation of the United States are subjected by Her Majesty's cruisers on the Coast of Africa, it cannot be necessary to do more than to place Her Majesty's Government in possession of the facts, and invite its early adoption of such measures as will have

the effect of guarding for the future against such unwarrantable excesses on the part of its naval officers.

Lord Palmerston will not fail to see how unpleasant and painful it must be to the President to have complaints of this character so often pressed upon the attention of Her Majesty's Government, and the necessity and importance of preventing their repetition. Indeed, it would indicate a want of confidence in a Government which so well understands its own rights, and what is due to it from other nations, not to infer that a case of such gross indignity and insult, one so inconsistent with all international courtesy, and ill-suited to the friendly relations of two such countries, would be promptly redressed and signally punished.

The Undersigned takes occasion to renew to Lord Palmerston assurances of his distinguished consideration.

(Signed) A. STEVENSON.

The Right Hon. Viscount Palmerston, G.C.B.,
&c. &c. &c.

First Enclosure in No. 240.

Mr. Trist to the Honourable J. Forsyth.

Consulate of the United States of America,
Havana, February 29, 1840.

SIR,

THE recent arrival from the coast of Africa of the brig "Douglas" of Duxbury, Alvin Baker master, has reminded me of some documents which I had prepared so far back as November last, for the purpose of transmitting them, as would long since have been done, had they not, though repeatedly thought of, yet been as often driven from mind by the numerous objects claiming my attention. The delay originated in my wish that they should be accompanied by the statement of John Hutton, mate of the brig "*Mary*," a very intelligent, and, so far as I could judge, truth-telling young mariner. For the purpose of reducing to writing a number of particulars mentioned by him in conversation, I repeatedly appointed a time for him to come to my office; but he always found me engaged in a manner that rendered a postponement unavoidable, and finally he left without its having been possible for me to carry that design into effect.

Of the documents now transmitted, one (Enclosure No. 1) is a literal copy of a declaration and protest, made by David Tomlinson, master of the brig "*Mary*," of New Orleans, against the commander of Her Britannic Majesty's brig "Forester," by whom, as will be perceived, he was captured and taken to Sierra Leone, his detention in the deadly climate of the coast of Africa being thereby sufficiently prolonged (particularly when connected with the vexation and anxiety of mind consequent thereon) to turn the scale against his escape with life from the risk encountered by all white men who venture into it. This protest, as will be seen, is signed by the mate, the second mate, and three of the crew. I personally examined the mate, John Hutton, and two of the crew, John Boaln and John Irvine, and the result was that the statements contained in the protest were corroborated as fully as they possibly could be by their testimony.

A second (Enclosure No. 2) is the log-book of the "*Mary*," kept by the aforesaid John Hutton, from her leaving this port on the 21st of June, to her return on the 12th of November, 1839. In this will be found some of the details obtained orally from the mate and seamen, and which serve to complete the outline begun in the captain's protest. On the 18th of August, when in sight of Cape Mount, which is within 25 or 30 miles of the Gallinas, where her cargo was to be delivered, the "*Mary*" was captured by the "Forester." Taken to Sierra Leone, the Prize Court, on the ground that she was an American vessel, refused to exercise jurisdiction over her. Of this they were informed at 3 P.M., on Saturday, the 24th of August, at which time they received orders to leave port by 1 P.M. on the day following, with a notice that if they delayed beyond that time they would be seized. The "*Mary's*" papers were yet in possession of the commander of the "Forester," as were also five of her crew, and she had not a proper provision of either wood or water for putting to sea. At half-past three, possession of the "*Mary*" was restored to Captain Tomlinson, by an officer who

visited her, bringing with him a portion of her papers and four of her crew. At 10 A.M., on the following day, an officer came on board with the remainder of the vessel's papers, but without the fifth man (the steward) belonging to her; whereupon, in consequence of the notification from the Court, they weighed anchor, and made all possible speed out of the harbour, putting to sea in so unprovided a state, with regard to both wood and water, as no vessel should venture out in. On the 30th of August they reached Gallinas, where Captain Tomlinson wrote and they signed the protest; he being then on shore with the fever, of which he subsequently (the 23rd of September) died on the return voyage.

Another American ship-master, who was detained at Sierra Leone, contrived to make his escape from thence in the "*Mary*." He also died on the passage.

Among the particulars stated by the mate (in presence of the men, who likewise affirmed it) was one which bore the stamp of truth upon its face in a manner unsuspected probably by the narrator, who can scarcely be supposed to have been aware that among the articles of "equipment" which, under the Treaty stipulations between Great Britain and Spain, are sufficient to condemn a Spanish vessel, handcuffs are comprised. The occurrence as related by him was as follows:—"One of their men (of the prize crew) came aft with a pair of irons which he had found in the bows, such as our vessels always carry in case a man proves unruly; we had no occasion to use them, Sir, but it's as well not to be unprovided. He flung them on deck. 'There,' says he, 'there! that's enough to condemn ye, and make ye our lawful prize.'" Summary extension, this, to vessels under the flag of the non-consenting, refractory American Government, of a provision which exists as to Spanish vessels, in consequence solely of the free consent and agreement of the Spanish monarch! The incident, however, is in perfect keeping with all that we here learn of the body of doctrine whereby the deportment of these African station cruisers is governed towards vessels under the American flag; whether rightfully or fraudulently; whether pursuing an employment for which even American cruisers would have no right to interfere with them, or one which to an American cruiser (but to an American cruiser only) would afford just ground for capture. From all accounts, officers and men seem to be full of the notion that the rules which they have obtained Spanish leave to enforce upon Spanish vessels, apply to American vessels all the same; that if one cannot carry a cooking apparatus or a water-cask beyond a certain size, neither can the other; and that the same right rests in them to search either, and turn the cargo upside down in quest of prohibited articles.

A circumstance which added greatly to the weight of the testimony given by these men was, that they spoke without asperity of their captors. The prize-master, M'Pherson, they informed me (upon being closely questioned with a view to discover their frame of mind), did drink, but not to excess,—he did not get drunk, as did the rest of the prize crew, and he treated them well. "He was doing his duty, Sir; he could not help it."

Before quitting the subject of the "*Mary*," I will add that (although the violation of principle, in regard to the right of search, would be the same, had she been the sharpest of clippers, with her hold full of slaves) the treatment experienced by her is the more inexcusable from her being a clump brig, utterly unsuitable for a slaver, and manifestly fit for nothing but the employment in which she was engaged,—the carrying of cargo; and that, too, a cargo which very possibly might have been made up entirely (excepting only the aguardiente and the tobacco) of merchandise brought to this place from England, which all concur in saying is exported all the year round direct from England to Africa, and supplies of which are constantly furnished to the slave factories from Sierra Leone itself, the very seat of that Prize Court before which the "*Mary*" was dragged when within sight of her port of destination. So manifestly did this clump, dull, merchant character belong to the vessel, that I deem it in the highest degree probable that she was so set down even in the reports of those agents of the British Government here who swell their lists of "American slavers" by embracing in them every vessel under our flag that clears for Africa; although it may be ever so notorious that she is employed solely to deliver a cargo there, which an English vessel may carry from Liverpool, but which a poor Spaniard dare not be freighted with. Those reports not unfrequently, I believe, describe the appearance of the vessels.

Enclosure No. 3 is a letter addressed to me, at my request for a written statement, by Captain William A. Hickling, who, it will be seen, refers to the Ho-

nourable W. Prescott, and Professor John W. Webster, of Cambridge. On meeting him last evening, he told me that he had taken, or was about to take, a cargo for the coast of Africa, and wished to be informed whether the American flag could count upon protection there now, and an American ship-master upon having his vessel overhauled by his own countrymen, who had a right to examine him, instead of having to submit to insult from foreigners who had none.

The arrival of Captain Baker, which has proved the cause of this communication being made now, has disclosed another of these cases, if not of consummated, at least of more than half, murder, upon an American citizen engaged in as perfectly lawful a calling as if he had gone with a cargo of sugars to the Baltic.

A few months ago he left here, as hale a looking young mariner as one would wish to set eyes on, and the other day (he, too, having come under British guardianship, and having, consequently, his detention in that deadly atmosphere prolonged sufficiently to determine the point against him) his skeleton came limping into my office, with the help of a crutch, to tell me that he was "getting better," but had been very sick, and in that state had had to navigate all the way from Curaçoa, with but one man before the mast fit for duty.

I am, &c.

The Hon. J. Forsyth,
&c. &c.

(Signed) N. P. TRIST.

Second Enclosure in No. 240.

Havana Consulate.

THIS is to certify that I, David Tomlinson, captain of the American brigantine "*Mary*," of New Orleans, formerly of Philadelphia, do claim damages of Her Britannic Majesty's brigantine of war "Forester," commanded by William Bond, in behalf of the owner of said brigantine "*Mary*," of New Orleans, say 500 dollars per day, from 12 o'clock the 18th of August, to the 29th of the same month at 12 o'clock, which time I was in as good position to make the Gallinas as when taken prisoner by the said "Forester."

1. I, David Tomlinson, having taken command of the above-named brigantine of New Orleans, the property of Mr. Peter Sabate, lying in Havana, took a freight from the house of Blanco and Caballo, merchants in Havana, to proceed to the Gallinas, from thence to Cape Lopez, for the sum of 3800 dollars.

2. Took on board a general cargo for the above-named port or ports of the coast of Africa, and cleared the said brigantine at the United States' Consul's office in Havana, to proceed to the Gallinas.

3. Left Havana on the 21st of June, 1839, say 1839, and pursued my course for the said Gallinas, and on the 18th of August, in 1839, say 1839, I sighted Cape Mount, which is 25 or 30 miles from the above-named port; and while doubling the above-named cape, the said "Forester" bore down on the brigantine "*Mary*," and fired a cannon for me to heave to. I discovered she hoisted the English flag, so I brought the brig to; she then lowered a boat, and the commander and an under officer, with six or eight seamen, and demanded my papers, which I put in his hands; he commenced with the bill of sale and copy of the vessel's register, stating that he did not recognize that signature as from the Consulate of America in Havana, as he well knew the man had been removed from office. I told him if he took any steps with the vessel contrary to law, I should reclaim damages, as she was despatched at the American Consul's office in Havana, and that I hoisted the American flag in answer to his. I also showed him my bills of lading, with the ship's papers, but he was not satisfied with seeing them. But he sent his under officer to tear up the hatches, and he went below and turned my cargo upside down, broke or damaged ten boxes or liquor cases, which fell in my hands, at nine dollars each, stating at the same time that I need not give myself any uneasiness about the cargo, that it and the vessel were his, and I was his prisoner, and that he would put my passengers on the beach, and send me and my men to prison at Sierra Leone, I still telling him to beware of his proceedings, that America did not allow her flag to be treated in that manner; he

said he did not respect me, my flag, nor my papers, that I was his prisoner, and the vessel his; to be quiet, and I would meet a better end; he then left on board Mr. M'Pherson and six men, all armed; about five o'clock he sent a boat with an order for me to be brought on board; I declined, stating that I was captain of the vessel and responsible for the cargo, but I was told it was no use, go I must, so they took me on board the "Forester;" he the commander took me below and tried his best endeavours to induce me to say the vessel was Spanish property, by offering me bribes of various kinds, and at last he told me if I would say she was Spanish, I should put what she and her cargo would bring with all the passengers' money* in my pocket. I answered him, that the vessel was American property, and that all England could not induce me to not protect it as such; he then said he would hang me; I told him I did not fear his threats; that in hanging me he left my country to revenge my death, and death was preferable to me to dishonour; he then found he could neither bribe nor frighten me, so he sent me on board the "*Mary*" again quite late in the evening, when I found the cargo broached, and all his men and some of mine in a state of intoxication, knocking and tearing about the vessel with their cutlasses like so many pirates; I went on deck to order my men below, but I was told by those placed on board that I had no business on deck, and that I must go below, for I was a prisoner, and that the vessel belonged to them and their commander; the next morning we were at sea, out of sight of land, the said "Forester" in company with us; he sent a boat alongside, demanding my passengers, but they did not wish to go, stating that they did not like to move their trunks and baggage until they knew where they were to go, but they were told to obey orders by the officer on board; so I wrote a note to the commander, requesting his permission to allow them to return on board the "*Mary*," so he asked them which they preferred; they answered the "*Mary*," so he returned them with a demand for my men, excepting my first mate, who went on board; he then took them one by one to make them say the vessel was Spanish property, stating to them that the vessel would go to Sierra Leone, her cargo be sold for his benefit, and I be thrown in prison, and would lose their wages if they did not declare she was Spanish property; but if they did they should have their pay: but the first told him he could not be frightened to take a false oath, and he was sent forward and put on two-thirds allowance, and the second the same; he then took the cook in hand, and he through malice stated that he knew her to be Spanish property, he having told the men often that he would do me some damage if he could get an opportunity, because I made him clean the cook-house; so the commander sent him below, ordering the steward to give him wine, and plenty to eat; he then took another one, a boy of Irish parents, and told him he should do this, that, and the other with him, for he shipped as an American, and was Irish, but the boy told him he was born in America, and did not fear him nor his threats; that he could not take a false oath, so he was sent forward with the other two; he then took an Englishman who it seems had told his story to those on board the "*Mary*" when in a state of intoxication the night before, for I never knew he was an Englishman before.

(Signed) *Mate* JOHN HUTTON.
2nd Mate. JOHN THOMPSON.
Seaman, JOHN BOALN.
his
Ditto. JOHN ⋈ ALLAN.
mark.
Ditto. JOHN IRVINE.

Third Enclosure in No. 240.

Extracts from a Letter from William A. Hickling to N. P. Trist, Consul of the United States at Havana, dated "Havana, November 16, 1839." *Endorsed "Havana Consulate, No.* 117. *Enclosure No.* 3.—*Received November* 18, 1839."

AGREEABLE to your request, I appear before you with a written statement of the manner in which I was treated by the British cruisers while on my

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* See Log-Book (Enclosure No. 2), August 21, 1839.

late voyage to the western coast of Africa. I commanded a schooner named the "*Octavia*," of New Orleans, which was chartered by a house of this city (last March), for the sum of 4000 dollars, to carry a cargo consisting of sundry articles, such as rum, tobacco, and dry goods, to be delivered at Accra and Little Popo, places on the western coast of Africa. I was properly cleared by you, Sir, with the papers of my vessel, all correct, and my officers and crew Americans. I had on board four Spanish gentlemen as passengers. When I arrived in the latitude of about 5° north, and between the longitudes of about 15° and 20° west, I fell in with a British brig of war named the Acorn, which bore down on me with a press of canvas, the wind light at the time, and when within a distance of about two miles of me he lowered away his boat, well manned, and made for me; when pretty close he fired a bow swivel, which sent a ball through my flying jib, and then being pretty close, bid me heave to, the schooner at the time not going through the water more than a knot per hour. In a minute after he was alongside, when a lieutenant and some six or eight men with drawn sabres and pistols pounced on my deck and took command. I underwent a scrutinizing examination, all my papers investigated, my afterhatch opened and searched, my mainhatch being barred and battened down at the time to protect the cargo; the officer said that he could make a prize of me if he liked; found fault with the size of my spars, which by the bye were rather small, that my water casks were over large, &c.; he then demanded to see and examine the trunks of my passengers, and to search my cabin; but this I resisted, and told him that he could only effect this by force of arms, and that I should consider it an atrocious and unwarranted piratical act, and should immediately protest against him, proceed to the United States, and seek redress of my Government. This argument had its due weight; for he desisted from any attempt; and after a decent lecturing which I gave him, and which he did not much relish, he took his departure. I had his company all the next day, and the following night we parted. My next adventure was at Popo. I had the honour of a visit from the commander and his first lieutenant of the British cruiser named the "Termagant," at the time I was lying on a bed of sickness on shore; my mate officiated. He informed me by letter of the visit, that much fault was found with my vessel, that she looked very suspicious, examined my papers and my hold, said that he could take me, but that the vessel was not of sufficient value. A British merchant brig was lying at the time in the roadstead, taking in palm oil, on board of which he placed a boat, well manned, to watch my motions. When I in part recovered from my illness, I took in sand ballast, and proceeded to the Havana. In consequence of many calms and light head-winds, I found myself getting short of provisions, which obliged me to beat to windward, and endeavour to get to some of the Cape de Verd Islands, and when in the latitude of about 4½° north, and longitude of 12° west, I fell in with a schooner, which proved to be a British cruiser—name I do not recollect—bound for Sierra Leone. He bore down to me, bid me shorten sail and heave to, or he should fire into me; when a lieutenant and a number of seamen, all armed, boarded me, and took command, at the time I was lying very sick in my cabin; he investigated my papers, and searched my hold, said he was sorry that he had not fallen in with me before, that my cargo he knew must have been Spanish property, and that I was aiding and abetting slavery. He was pretty insolent for my requesting him to spare a little bread. He said he could not supply me, he then being near his port. My papers being entirely correct, and crew answering to the crew list, he let me pass.

Is there any law, I ask, Sir, specifying the sized casks we are to carry, the number, or the shape, size, or rig of our shipping? Is there any law prohibiting us to carry out Spanish property, or the property of any other nation to any quarter of the world, not excepting Africa? We are a nation of merchants, and as long as we can find a good sale for our shipping, or obtain a good freight, are we to be prevented performing our contracts by a foreign power? If there is any doubt of the legality of our transactions, why not station our own men of war, whose duty should be to investigate vessels found sailing under our flag? Are we not an independent nation? and our right to cruise the ocean acknowledged by all nations? When it is actually known that a greater part of the slaves carried into Sierra Leone find their way to Gallinas, and then sold and re-shipped, a proof of which is this, that slaves have been taken and re-taken no less than five different times; besides this proof, most of the goods shipped to the

African market generally, and in particular to the British colonies, are sent there to sell to slave dealers, or as orders from slave merchants; it is well known that the very individuals who compose the Court at Sierra Leone import immense quantities of British manufactured goods to supply the market of Gallinas. There is no denying it. I could mention some of the blackest transactions committed on individuals whose persons have been stripped, money found and purloined. Even in the West Indies we are examined, and in a number of cases insulted, by those overbearing men-of-war. I know a certain master, who is now here, who lost 500 dollars on the sale of his cargo, by being detained some hours by the British brig-of-war named the "Snake," who kept the vessel so long hove to, that the current swept her to leeward of her port, and it was two days ere she could regain her original position, which was just off the Moro Castle; had he not been fired at repeatedly, and in danger of being hulled, he would not have brought to at the time; this detention, however, was the means of frustrating his market; this brig is called the "*Rebecca*," and has anything but the appearance of suspicion. I hope some prompt measures will be speedily resorted to by our Government. When our flag is trampled on, as has been the case on the African coast, when our papers and our consular certificates have not been considered legal, and not a sufficient guarantee for the protection of our vessels and property, 'tis time some measures should be adopted to enforce that respect due to our nation.

Fourth Enclosure in No. 240.

Original log-book returned to Mr. Stevenson.

No. 241.

Mr. Stevenson to Viscount Palmerston.

32, *Upper Grosvenor-street, August* 14, 1840.

(*Received August* 15.)

THE Undersigned, Envoy Extraordinary and Minister Plenipotentiary from the United States, has the honour to acquaint Lord Palmerston, Her Majesty's Principal Secretary of State for Foreign Affairs, that, having lost no time in transmitting to his Government the note of his Lordship, under date of the 23rd of April last, in reply to that of the Undersigned of the 26th of August preceding, complaining of the outrage committed by the officers of the British schooner "Grecian" upon the barque "*Susan*" of Boston, he has been specially instructed to make the following communication in answer to Lord Palmerston's note. The President has read with feelings of surprise and regret the answer returned by Her Majesty's Government to the complaint preferred on the part of the United States in the affair of the barque "*Susan*." That answer cannot be considered as otherwise than unsatisfactory. The conduct of the British officers is attempted to be justified on their bare and unsupported statements, totally at variance with, and in entire disregard of, the facts registered with every formality usual on such occasions in the log-book of the "*Susan*," supported as they are by the asseverations of persons of respectability, then passengers on board the vessel. In justice to the rights of their citizens, and in pursuance of the principles which the United States have assumed, such an occurrence as that under consideration cannot be allowed to pass over in the manner in which it has been treated by Her Majesty's Government. It would be foreign to the purposes of this communication to raise questions of law out of the occurrence which gave rise to the complaint of the United States. The circumstances under which the right boarding and visiting vessels at sea is usually enforced are defined with sufficient clearness, and even where the right is admitted, usage among civilized nations has prescribed with equal precision the manner in which it is to be exercised. The motive of this communication is, that the British Government should be clearly made sensible that the United States cannot, in justice to their own citizens, permit the recurrence of such causes of complaint. If, in the treaties concluded between Great Britain and other Powers, the latter

have thought fit, for the attainment of a particular object, to surrender to British cruisers certain rights and authority not recognised by maritime law, the officers charged with the execution of those treaties must bear in mind that their operation cannot give a right to interfere in any manner with the flag of nations not parties to them. The United States not being such a party, vessels legally sailing under their flag can in no case be called upon to submit to the operation of said Treaties; and it behoves their Government to protect and sustain its citizens in every justifiable effort to resist all attempts to subject them to the rules therein established, or to any consequent deductions therefrom. The United States cannot look with indifference upon the laudable exertions made by Great Britain and her allies in the suppression of the Slave Trade towards the attainment of the great object in view; and so long as those efforts are confined within their proper sphere, they will command applause and good wishes from the people and Government of the United States. But they must be considered as exceeding their appropriate limits whenever they shall lead to such acts as those which form the subject of this communication. The President has been advised that on frequent occasions the flag of the United States, as well as those of other nations, has been fraudulently used by the subjects of other countries to cover illicit commerce, and elude the pursuit of British and other cruisers employed in the suppression of the African Slave Trade; and that a pretext has thereby been afforded for boarding, visiting, and interrupting vessels bearing the American flag. The several complaints, to which the subject has given rise should convince Her Majesty's Government of the great abuse to which the practice is liable, and make it sensible of the propriety of its immediate discontinuance. It is a matter of regret that this practice has not already been abandoned. The President, on learning the abuses which had grown out of it, and with a view to do away every cause for its longer continuance, having now directed the establishment of a competent naval force to cruize along those parts of the African coast which American vessels are in the habit of visiting in the pursuit of their lawful commerce, and since it is alleged that the Slave Trade has been carried on under an illegal use of the flag of the United States, has a right to expect, that positive instructions will be given to all Her Majesty's officers to forbear from boarding or visiting vessels under the American flag. This expectation is now distinctly signified to Her Majesty's Government, in the belief that it will see the propriety of confining the action of its agents to the vessels of nations with whom Her Majesty's Government has formed stipulations authorizing a departure from the rules prescribed by the public law, and thereby prevent the recurrence of circumstances inevitably productive of causes of irritation, and deeply endangering the good understanding now existing between the two nations, and which it is so much the interest of both to maintain unimpaired.

The Undersigned, &c.
(Signed) A. STEVENSON.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

No. 242.

Viscount Palmerston to Mr. Fox.

SIR, *Foreign Office, January* 20, 1841.

WITH reference to my Despatch to you of the 12th of June, 1840, enclosing an extract from a Despatch from Her Majesty's Chargé d'Affaires at Rio de Janeiro, stating that the United States vessel the "*Pilgrim*" had taken Slave Trade equipments on board for Africa, I herewith transmit to you an extract of a further Despatch from Mr. Ouseley, containing particulars of the manner in which the "*Pilgrim*," and other American vessels, are accustomed to carry on the Slave Trade.

I am, &c.
H. S. Fox, Esq., (Signed) PALMERSTON.
&c. &c.

Enclosure in No. 242.

Mr. Ouseley to Viscount Palmerston.

Rio de Janeiro, October 16, 1840.

(See Class B, No. 397, p. 599.)

No. 243.

Viscount Palmerston to Mr. Fox.

SIR, *Foreign Office, February* 3, 1841.

I HEREWITH transmit to you copy of a Despatch from Her Majesty's Chargé d'Affaires at Rio de Janeiro, respecting the trial of the Portuguese slave vessel "*Congresso*" at the Cape of Good Hope.

From these papers it appears that Mr. Chase, the United States Consul at the Cape of Good Hope, accepted and acted upon instructions from Rio de Janeiro to defend the cause of the owners of the "*Congresso*."

You will embody, in a note to the United States Government, the substance of the enclosed papers, so far as they relate to the conduct of Mr. Chase; and you will express in that note the hope of Her Majesty's Government that the Government of the United States will interfere to prevent any of its agents from pursuing in future a similar course.

I am, &c.

H. S. Fox, Esq., &c. &c. (Signed) PALMERSTON.

Enclosures in No. 243.

Mr. Ouseley to Viscount Palmerston.

Rio de Janeiro, November 25, 1840.

(See Class B, No. 407.)

No. 244.

Viscount Palmerston to Mr. Fox.

SIR, *Foreign Office, February* 9, 1841.

I HEREWITH transmit to you, for your information, copies of letters which have been received at this office from Her Majesty's Consul at Boston and from the Admiralty, stating that the American brig "*Tigris*" has been detained by Her Majesty's brig "Waterwitch," on the ground of having a negro slave on board, and has been delivered up to the United States' authorities at Salem, Massachusetts.

I also transmit herewith, for your information, a copy of an instruction which, under my directions, has been addressed to Her Majesty's Consul at Boston upon this case, and a copy of a letter which, also under my directions, has been addressed to the Secretary of the Admiralty upon the subject of American vessels engaged in Slave Trade.

I am, &c.

H. S. Fox, Esq., &c. &c. (Signed) PALMERSTON.

First Enclosure in No. 244.

Mr. Grattan to Viscount Palmerston.

Boston, December 31, 1840.

(See No. 291.)

Second Enclosure in No. 244.

Sir John Barrow to Lord Leveson.

Admiralty, January 29, 1841.
(*Received January* 30.)

MY LORD,

WITH reference to your letter of the 27th instant, and its enclosure, on the subject of the American brig "*Tigris*," captured by Her Majesty's brig "Waterwitch," for having a negro slave on board, and sent to the port of Salem, I am commanded by my Lords Commissioners of the Admiralty to send you herewith, for the information of Viscount Palmerston, a copy of a letter from Mr. H. S. Jackson, mate who had charge of this vessel, dated the 2nd instant, which contains all the information in this office respecting the transaction in question.

I am, &c.
(Signed) JOHN BARROW.

Lord Leveson,
&c. &c.

Third Enclosure in No. 244.

Mr. Jackson to Sir John Barrow.

Boston, January 2, 1841.

SIR,

I HAVE the honour to report the arrival of the brig "*Tigris*," detained by Her Majesty's brig "Waterwitch," for slave-trading on the coast of Africa, in the port of Salem, Massachusetts, where she is in possession of the United States' authorities, to whom I delivered her up. I have discharged the crew sent by the "Waterwitch" to navigate the above brig to the United States.

I have, &c.
(Signed) HENRY STANLEY JACKSON,
Midshipman, Her Majesty's brig "Waterwitch."

Sir John Barrow,
&c. &c.

Fourth Enclosure in No. 244.

Lord Leveson to Mr. Grattan.

Foreign Office, February 8, 1841.

(See No. 292.)

Fifth Enclosure in No. 244.

Lord Leveson to Sir John Barrow.

Foreign Office, February 8, 1841.

SIR,

WITH reference to the recent correspondence between this office and the Admiralty on the subject of the American brig "*Tigris*," captured by Her Majesty's brig "Waterwitch;" and with reference also to previous correspondence respecting other vessels under the United States' flag detained by Her Majesty's cruisers; I am directed by Viscount Palmerston to acquaint you that his Lordship referred the case of the "*Tigris*" to Her Majesty's Advocate-General for his opinion what notice should be taken of this case, with a view to guiding the conduct of Her Majesty's naval officers on similar occasions; and I am now to state to you, for the information of the Lords Commissioners of the Admiralty, that the Queen's Advocate has reported it to be his opinion that Her Majesty's naval officers should be instructed to abstain from capturing American vessels engaged in Slave Trade.

I am therefore to request that you will suggest to the Lords of the Admiralty the expediency of giving instructions to Her Majesty's naval officers in conformity with this opinion; and I am to acquaint you further, for the information of their Lordships, that Her Majesty's Consul at Boston has been instructed to

discontinue the proceedings commenced by him on behalf of the captors of the "*Tigris*," and to leave the American authorities to pursue such course as they may deem advisable in the case.

I am, &c.
(Signed) LEVESON.

Sir John Barrow,
&c. &c.

No. 245.

Viscount Palmerston to Mr. Fox.

(Extract.) *Foreign Office, February* 15, 1841.

I HEREWITH transmit to you, for your information, copy of a Despatch from Her Majesty's Consul at New York, upon the subject of proceedings which have taken place at New York in the case of the American vessel the "*Butterfly*" detained by Her Majesty's ship "Dolphin," on suspicion of being engaged in the Slave Trade.

I am, &c.
(Signed) PALMERSTON.

H. S. Fox, Esq.,
&c. &c.

Enclosure in No. 245.

Mr. Buchanan to Viscount Palmerston.

New York, April 16, 1840.

(See Class D, 1840, No. 121, p. 102.)

No. 246.

Mr. Stevenson to Viscount Palmerston.

33, *Upper Grosvenor Street, February* 27, 1841.

(*Received March* 1.)

THE Undersigned, Envoy Extraordinary and Minister Plenipotentiary from the United States, has the honour to acquaint Lord Viscount Palmerston, Her Majesty's Principal Secretary of State for Foreign Affairs, that he has received the instructions of his Government to add two other cases to those which he has heretofore presented to the notice of Her Majesty's Government, in relation to the seizure and detention of American vessels on the African coast by British cruisers, on the alleged grounds of being either equipped for, or actually engaged in, the African Slave Trade.

It will not be necessary that the Undersigned should do more at present than give a brief statement of the facts of these cases, and such as they appear to have been from the documents now transmitted, to manifest the highly improper character of the proceedings in both cases, and insure their prompt consideration by Her Majesty's Government.

The first case is that of an American schooner, the "*Iago*," of New Orleans, commanded by Captain Adolphe Dupony.

This vessel sailed from Matanzas, in the island of Cuba, in November, 1838, for the Cape of Mesurado, on the coast of Africa, for the purpose of trading in palm-oil, wood, and other African produce.

That, after proceeding on her voyage to different parts of the coast. she arrived at Cape Saint Paul, where the captain landed his cargo, and from whence he was preparing to go into the interior of the country to trade, having bought for that purpose a quantity of oil and produce.

That on the 21st of February, 1839, and whilst within 5° 46′ north latitude and 55′ east, and whilst Captain Dupony was on shore, the schooner was boarded by Lieutenant S. Seagram, commanding Her Majesty's brigantine-of-war "Termagant," and, during his absence, his trunk was broken open, and a sum of money amounting to 116 Spanish doubloons and 54 dollars was taken there-

from, as also his chronometer and watch, and that a large quantity of wine was drunk, destroyed, and lost; that all his men had been conveyed on board the "Termagant" except the mate; that the captain thereupon asked leave of Lieutenant Seagram to search the sailors, and on doing so found upon them a sum amounting to 114 doubloons and 19 dollars, and that the sailors informed him that they had taken the money because they were afraid that they would be set on shore and abandoned, and the schooner destroyed.

That all the captain's clothes were left on shore, and have been wholly lost.

That all the crew, and a passenger by the name of Bourjolli, an American citizen, and native of the State of Maryland, were put on shore at Cape St. Paul, and that Captain Dupony was detained and brought to Sierra Leone, where he arrived on the 18th of March, 1839.

That Lieutenant Seagram then endeavoured to proceed against the captain of the "*Iago*" in the British and Spanish Mixed Court of Justice established in the colony for the prevention of illicit traffic in slaves, but the Court would not allow such proceeding; and that accordingly, on the 30th of March, 1839, Captain Dupony was put in possession of his vessel, which was done in the presence of four masters of vessels, who signed a receipt for the vessel, and who were present when an inventory was taken of the articles on board the said schooner.

Amongst the documents herewith transmitted are two certificates of Lieutenant Seagram, the one admitting the capture of the vessel, and the other stating the amount of money found in the possession of the crew and left in charge of the prize master.

The other case is that of the schooner "*Hero,*" of New Orleans, commanded by Captain James B. M'Connell.

It appears that this schooner sailed from the Havana, in June, 1840, with a cargo of assorted merchandise, bound to Whydah, on the African Coast. That on her voyage, on the 9th of August, she was boarded by Her Majesty's brig the "Lynx," and brought to anchor; her hatches were broken open and overhauled, and the commander of the "Lynx" then determined to send the schooner into Sierra Leone. That after removing a part of the crew of the schooner on board the cruiser, and sending his own men to take charge of the "*Hero,*" who robbed her of a part of her supplies, the commander of the "Lynx" determined to surrender the schooner and permit her to pursue her voyage. That on the arrival of the schooner at Whydah, her cargo was found to have been greatly damaged by the crew of the "Lynx," during her capture and detention by the British commander.

These are the material facts in relation to the two cases now submitted. The previous communications which the Undersigned has had the honour heretofore of addressing to Lord Palmerston, on subjects of a similar character, will relieve him from the necessity of recurring to the peculiar circumstances under which these repeated outrages upon the vessels and commerce of American citizens have been perpetrated, or discussing the principles under which Her Majesty's officers have attempted to justify their conduct.

Of the right of one nation to search or detain the ships of any other (who may not be a party to the Treaties for the suppression of the Slave Trade) on the ground of their being engaged in Slave Trade, the Undersigned can only repeat that there is no shadow of pretence for excusing, much less justifying, the exercise of any such right. That it is wholly immaterial whether the vessels be equipped for or actually engaged in slave traffic or not, and consequently the right to search or detain even slave vessels must be confined to the ships or vessels of those nations with whom it may have Treaties on the subject.

This doctrine the Undersigned has heretofore asserted in his notes to Lord Palmerston, and especially in that of the 13th of November last, and is believed to have been admitted and sanctioned by Her Majesty's Government in its intercourse with other nations. He begs leave to refer Lord Palmerston to a recent and strong case in relation to the Haytian Government, as conclusive on the subject. As late as 1839, that Government passed a law, declaring the Slave Trade piracy, which was submitted for the information of Her Majesty's Government. By that law there was a provision that any vessel, whether Haytian or otherwise, found in the act of slave-trading, should be seized and brought in for adjudication and condemnation. In a communication from Lord Palmerston, under date of the 27th of January, 1840, to the Haytian Government, his Lord-

ship held the following language :—" Her Majesty's Government wish to draw the attention of the Haytian Government to a matter of form in this law which may possibly give rise to embarrassments. The law enacts that all vessels, whether Haytian or foreign, which may be found in the act of slave-trading, shall be seized and brought into a Haytian port. Now Hayti has undoubtedly a full right to make such an enactment about her own citizens and ships, but Her Majesty's Government apprehend that Hayti has no right so to legislate for the ships and the subjects or citizens of other States. That in time of peace no ships belonging to one State have a right to search and detain ships sailing under the flag of, and belonging to another State, without the permission of that State, which permission is generally signified by Treaty ; and if Haytian cruisers were to stop, search, and detain merchant vessels sailing under the flag of and belonging to another country, even though such vessels were engaged in Slave Trade, the State to which such vessels belonged would have just grounds for demanding satisfaction and reparation from Hayti, unless such State had previously given to Hayti, by Treaty, the right of search and detention."

Under this doctrine, the two cases now submitted, as well as those which have heretofore been presented, justify the strongest appeal for the interference of Her Majesty's Government.

Of the actual seizure and detention of these vessels, and of their national character, there can be no doubt, some of which were not only turned from their original destination, and their cargoes plundered and destroyed, but actually carried into foreign ports for condemnation, and the lives of the crew sacrificed by the pestilence of the climate, and the delay which took place.

The Undersigned has therefore been instructed to bring the whole subject again to the notice of Her Majesty's Government, and to ask that the injuries which have been sustained by these proceedings of Her Majesty's officers may be adequately redressed, and that suitable measures may be promptly taken to mark with disapprobation and punishment the individuals concerned, in such manner as to prevent their recurrence in future.

The Undersigned, &c.

(Signed) A. STEVENSON.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

First Enclosure in No. 246.

Declaration of Adolphe Dupony.

By this public instrument of declaration and protest, be it known, that on the 5th day of April, 1839, before me, Edward Power, Queen's Advocate and Notary Public, duly authorised and practising in this colony of Sierra Leone, personally came and appeared Adolphe Dupony, master of the American schooner or vessel called "*Iago*," of the measurement of 53½ tons, or thereabouts, belonging to the city of New Orleans, in the United States of America, who being duly sworn on the Holy Evangelists of Almighty God, deposeth and saith,—That he was master of the American schooner or vessel called "*Iago*," and that he set sail from Matanzas, in the Island of Cuba, on or about the 12th day of November, 1838, to go to Cape Mesurado, on the Coast of Africa, to trade in palm oil, cam wood, and other African produce; and that after pursuing his voyage to different parts of the coast, he arrived at Cape St. Paul, where he landed his cargo, and where he was preparing to go into the interior of the country to trade, and that he had already bought a quantity of palm oil and other African produce. And this deponent further makes oath and says, that on or about the 21st day of February, 1839, and whilst within 5° 46′ north latitude, and 55′ east, and whilst this deponent was on shore as aforesaid, the said American schooner or vessel called "*Iago*," whereof this deponent was master, was boarded by Lieutenant S. Seagram, commanding Her Britannic Majesty's brigantine of war "Termagant," and that, during such absence as aforesaid, this deponent's trunk was broken open, and a sum of money, amounting to 116 Spanish doubloons and 54 dollars, was taken therefrom, and that this deponent's chronometer and his watch were also taken away ; and that the hold of his vessel was opened, and a large quantity of wine was drunk, destroyed and lost. And that when this deponent went on board the said American schooner or vessel

called "*Iago*," he found that all his men had been conveyed on board Her Britannic Majesty's brigantine of war "Termagant," except the mate, and that this deponent asked permission from the commander of the said brigantine to search the said sailors; and that, upon doing so, he found upon them a sum of money amounting to 114 doubloons and 19 dollars, and that the said sailors informed him that they had taken the said money because they were afraid that they would be set on shore and abandoned, and that the said schooner or vessel called "*Iago*" would be destroyed, and that they tried to secure the said money for the said Adolphe Dupony, this deponent, and also to procure necessaries of life, when so left on shore. And this deponent further makes oath and says, that all his clothes were left on shore, and that they have been entirely lost; and further, that all his crew, and a passenger named Bourjolli, a native of Baltimore, were put on shore at Cape St. Paul, and that this deponent was detained and brought to Sierra Leone, where he arrived on or about the 18th day of March, 1839. And further, that Lieutenant S. Seagram, the commander of Her Britannic Majesty's brigantine "Termagant," endeavoured to proceed against this deponent in the British and Spanish Mixed Court of Justice established in this colony for the prevention of an illicit traffic in slaves, but that the said Court would not allow such a proceeding, and that on or about the 30th day of March, 1839, the said deponent was again put into possession of the said schooner or vessel called "*Iago*," and that this was done in the presence of four masters of vessels, who signed the receipt for the said vessel, and who were present when an inventory was made of the articles on board the said schooner or vessel called "*Iago*." Wherefore the said Adolphe Dupony, master of the said American schooner or vessel called "*Iago*," on his own behalf, and on the part and behalf of every one interested in, or in any respect concerned in the said American schooner or vessel called "*Iago*," doth hereby protest against the said Lieutenant Henry S. Seagram, commander of Her Britannic Majesty's brigantine of war "Termagant," and for all losses, costs, damages, demurrage, and expenses already incurred and suffered, or which may hereafter accrue, by reason of the illegal detention of the said American schooner or vessel called "*Iago*;" and I do further, on the part of the said master, Adolphe Dupony, protest against the said Lieutenant Henry S. Seagram, for the loss of cargo, clothes, a chronometer, and other things, amounting in value to the sum of 2,167*l.*, which were suffered by the said master, Adolphe Dupony, by reason of the illegal detention of the said schooner or vessel called "*Iago*."

And I, the said Notary Public, at the request of the said master, Adolphe Dupony, do hereby solemnly protest in form aforesaid, and I have granted these presents under my seal of office to serve and avail as occasion shall or may require.

(Signed) EDWARD POWER,
Queen's Advocate and Notary Public.

Sworn by the said Adolphe Dupony, the day on which it bears date, by me,
(Signed) EDWARD POWER, *Not. Pub.*
A. DUPONY.

Witness (Signed) CHARLES FRENCH.

Second Enclosure in No. 246.

Continuation du Journal de la goëlette Américaine "Iago," *de la Nouvelle Orléans, partie de Matanzas, Ile de Cuba, pour la côte d'Afrique et Cap Mesurade, arrêtée et envoyée à Sierra Leone par le brick-goëlette Anglais "Termagant."*

Du 22 *Février*, 1839.

A 2 heures P.M. étant allé à bord pour savoir ce que le commandant désirait, j'ai trouvé le navire plein de matelots Anglais, un officier vêtu en bourgeois; ma malle rompue, mes écoutilles ouvertes, mes papiers, mon argent emporté, etc.; mon second m'a dit que dès le matin on avait emmené l'équipage à bord du navire de guerre; que seul il était resté et avait résisté aux excès criminels des scélérats qui s'étaient emparés du navire, mais que l'on n'avait eu aucun égard à ses représentations; que dès la veille ma malle avait été rompue pour prendre les papiers du navire, et qu'ils avaient été emportés à bord du brick-goë-

lette; que durant toute la nuit le navire avait été à la merci des matelots Anglais, qui s'étaient comportés de la manière la plus effrénée, s'ennivrant, brisant et volant, etc. A 2° 30′ P.M. le commandant est venu à mon bord et m'a remis un papier signé de sa main; je lui ai représenté la fausseté et l'iniquité de son contenu; que mon chargement était à terre et allait être pillé ainsi que mes effets, etc.; que j'allais souffrir des dommages et pertes terribles; tout a été inutile; il m'a répondu qu'il serait bon pour le payer, et qu'il fallait que j'aille à Sierra Leone; tout ce que j'ai pu obtenir a été de faire rendre une partie de mon argent qui a été trouvé sur mes matelots et officiers, qui m'ont dit qu'ils l'avaient pris pour me le porter à terre; tout ce que je lui ai dit pour les laisser venir avec moi n'a servi à rien, je les ai vu cruellement jeter à terre avec leurs effets, et un baril de bœuf et un autre de biscuit. Ces gens demandaient la mort, ainsi que le passager, M. Bourjoli; je les ai recommandés à l'humanité des nègres. Est-il possible qu'en temps de paix entre les Etats Unis et le Gouvernement Anglais il se commette des atrocités de cet espèce, et que l'Angleterre envoie sur cette côte des pirates plus cruels que les nègres? C'est une honte et une abomination. Je proteste contre le Gouvernement Anglais pour donner des navires armés à de pareils scélérats, ainsi que contre le commandant, pour la perte de mon chargement et les dommages et intérêts, etc. Dès aujourd'hui, étant prisonnier, je n'ai plus tenu de journal jusqu'à mon arrivée à Sierra Leone, où j'ai été détenu à bord sans communication pendant trois jours, après lesquels j'ai été conduit chez un avocat mulâtre (ces infâmes assassins qui commandent les navires de guerre Anglais ont choisis pour plaider pour eux, contre des blancs, un homme de couleur, c'est tout dire.) J'observe que mon chronomètre et ma montre m'avaient été enlevés. Ce mulâtre me dit que l'on allait me rendre mes papiers et mon navire; qu'étant Américain, la Mixte Commission Anglaise, *soi-disant Espagnole*, n'avait rien à voir avec moi, et ne voulait pas m'admettre. Je ne pus obtenir aucune justice; on voulait me faire aller à bord par ruse et par force, pour m'emmener je ne sais où, et ensuite, comme cela a été fait à autre navire Américain, m'abandonner au milieu des mers. (Voilà comment ces criminels tachent d'ensevelir leurs scélératesses.) Mr. Dunlap, qui s'est dit officier du "Termagant," alla jusqu'à me dire qu'il avait la force en main, et que si je ne me rendais pas le lendemain avant midi à bord, il m'y ferait conduire. J'eu recours au gouverneur pour obtenir les documens et protêts dont j'avais besoin et être enfin jugé; il me dit que cela ne le regardait pas, que c'était l'affaire de l'Amirall, qui est absent, mais qu'il me donnerait la protection si l'on voulait m'enlever de force. N'est-ce pas une infamie de conduire les navires à Sierra Leone, où ils ne peuvent obtenir justice que de l'amiral, et ce même amiral n'y est jamais et n'y a pas un représentant; Sierra Leone est le manoir des pirates. Enfin le 30 Mars on me rendit mon navire et la partie de l'argent qu'on avait trouvé sur mon équipage; et Mr. Stevens, le capitaine de prise, n'ayant pas comparu quand on fit l'inventaire, les quatre capitaines expertes y procédèrent. Cet officier s'est très bien comporté avec moi ainsi que les matelots, depuis notre départ jusqu'au dernier moment. Au soir j'ai embarqué un matelot Espagnol pour garder la goëlette avec le cuisinier, qui est le seul homme qu'on ait laissé m'accompagner de tout l'équipage; les jours suivans j'ai embarqué un maître et deux matelots Espagnols avec leurs passeports, et après avoir pris les provisions nécessaires, le 10 Avril à 5° P.M. je me suis mis à la voile pour aller à la recherche de mon équipage et chargement.

Du 10 *Avril au Jeudi* 11 *Avril*, 1839.

Vent à O.S.O. bon frais. A 7° P.M. relève le Cap de Sierra Leone au S.E. à la distance de 6′ à 9° P.M. viré de bord, cap au S. A 8° A.M. les Iles Banana à la distance de 16′ à l'E. ¼ N.

Du 11 *au Vendredi* 12 *Avril.*

Vent O.N.O. faible, beau temps; même cap; à 12° A.M. cap S.S.E.; à 8° A.M. cap à E.N.E.; à 8° P.M. mouillé par 7 brasses à la barre de Sherbroo. A 7° A.M. dérapé pour aller à Gallinas, où nous avons mouillé à midi.

Du 12 *au Samedi* 13 *Avril.*

J'ai été à terre pour acheter du tabac et consigner des objets que j'ai reçus à Sierra Leone; beau temps, belle brise, le navire en rade.

Du 13 *au Dimanche* 14 *Avril,* 1839.

Etant jour de fête on n'a pu rien débarquer ; même temps.

Du 14 *au Lundi* 15 *Avril.*

Beau temps ; la goëlette " Gabon " est arrivée, et elle a embarqué le tabac et l'eau-de-vie que je lui ai donnés ; à 10° A.M. nous avons fait voile de conserve.

Du 15 *au Mardi* 16 *Avril.*

A 6° P.M. nous sommes sur le Cap Mont à la distance d'un mille, et nous continuons toute la nuit. A 4° A.M. forte tournade de terre. A 10° A.M. en calme devant le Cap Mesurade ; mis le navire en panne et été à terre.

Du 16 *au Mercredi* 17 *Avril.*

Faite route pour New Sestre, où j'ai mouillé à 11° A.M. ; trouvé Théodore absent.

Du 17 *au Jeudi* 18 *Avril.*

Débarqué des grémens, et des voiles que j'ai prises à Sierra Leone.

Du 18 *au Vendredi* 19 *Avril.*

Grosse mer ; la goëlette a rompu son ancre et mouillé la grande ; le monde occupé a changer les grémens vieux du navire.

Du 19 *au Samedi* 20 *Avril.*

Même temps. Sans aucune chose de nouveau. J'ai vu un des gens de l'équipage d'une goëlette Portugaise que le " Forester," navire de guerre Anglaise, a jeté à terre au Grand Corow, et que les nègres ont massacrés et criblés de balles, aussitôt qu'ils ont été à terre. Ce commandant est recommandable pour son inhumanité, et je ne sais s'il a reçu tels ordres de son Gouvernement. C'est une horreur.

Du 20 *au Dimanche* 21 *Avril.*

Aujourd'hui nous avons reçu la nouvelle que Théodore a été conduit à Sierra Leone à bord d'un brick Russe, où il allait comme passager ; et que deux navires Anglais ont pris ce brick.

Du 21 *au Lundi* 22 *Avril.*

Ne pouvant attendre Théodore pour régler mes comptes, j'ai embarqué six paquets complets, et à 3° P.M. je me suis mis à la voile. Vent au S.S.E. ; nous louvoyons toute la nuit avec vent et marée contraire : fait jour à Triton. Nous continuons à louvoyer.

Du 22 *au Mardi* 23 *Avril.*

Id., fait nuit sur Sestos à cinq milles de l'entrée de la rivière ; louvoyé toute la nuit ; fait jour sur Sinon hill. Vent à O.

Du 20 *au Mercredi* 24 *Avril.*

Fait nuit sur Badon ; à 2° A.M. forte tournade à la cap jusqu'au matin. Un brick sous le vent ; à midi il me hisse pavillon Anglais. Vent frais de S.E.

Du 24 *au Jeudi* 25 *Avril,* 1839.

Peu de vent ; fait nuit près de Rock Town ; au matin temps couvert, tournade au large ; à midi nous montons le Cap Palmas ; le temps beau.

Du 25 *au Vendredi* 26 *Avril.*

Un brick Américain en vue ; nous mouillons ensemble à la pointe Tabon, où j'ai acheté une pirogue. A 10° A.M. nous dérapons et fesons route à 1′ E.S.E. ; à midi, latitude observée est 3° 25′ N., et la longitude 7° 2′ O.

Du 26 *au Samedi* 27 *Avril.*

H.	M.	D.	Course.	Vent.	
2 4	28	,,	E. S. E.	S. O.	Beau temps; toutes voiles dessus.
6 8	25	,,	,,	,,	
10 12	18	,,	,,	,,	
2 4	18	,,	,,	,,	
6 8	10	,,	,,	,,	
0 2	20	,,	,,	,,	
Lat. Observée, 3° 28′ N. Long. 4° 33′ O.					

Du 27 *Avril au Dimanche* 28.

H.	M.	D.	Course.	Vent.	
2 4	28	,,	E. 15° S.	S. O.	Beau temps, belle mer, vent frais.
6 8	32	,,	,,	,,	
10 12	28	,,	,,	,,	
2 4	20	,,	,,	,,	
6 8	20	,,	,,	,,	
10 12	24	,,	,,	,,	
Lat. Observée, 3° 34′ N. Long. 1° 33′ O.					

Du 28 *au Lundi* 29 *Avril,* 1839.

H.	M.	D.	Courses.	Vent.	
2 4	24	,,	N. E. ¼ E.	S. O.	Tournade violente; amené toutes nos voiles.
6 8	24	,,	,,	,,	
10 12	8 8	,,	,, O. S. O.	,, tournade.	A terre sur Tantum, query, que je relève au N. 20° E.; nous continuons en vue de terre.
2 4	,, ,,				
6 8					
10 12					A midi nous sommes sur Acra.

Du 29 *au Mardi* 30 *Avril.*

A 6° P.M. mouillé entre Ningo et Toco par 6 brasses; le temps menaçant une

tournade. A minuit forte tournade avec tonnerres terribles. A 6° A.M. dérapé et fait route pour le Cap St. Paul; peu de vent de terre.

Du 30 *Avril au* 1 *Mai.*

A 1° 30′ P.M. monté le Cap St. Paul et mouillé à Agrivai à 2° 30′ P.M.; à 4° P.M. une pirogue est venue à bord, et j'ai appris que tout mon équipage s'en est allé. Je me suis embarqué pour aller à terre, où l'on m'a remis une lettre du second, qui me fait savoir qu'il est parti, ainsi que le passager et tout l'équipage. J'ai été voir le cabezera pour obtenir raison de mon chargement; il m'a répondu qu'il n'en était pas responsable, que le navire ayant été pris, cela était considéré comme un naufrage, et qu'il n'avait pu rien sauver de mon chargement; que l'on avait fourni à mon équipage tout ce dont ils avaient eu besoin pour vivre, et qu'il fallait que je payasse ces dépenses. Au matin j'ai fait toutes les recherches, et je vois des nègres avec les chemises et le corail de mon chargement. C'est fini; tout est perdu pour moi; je proteste de nouveau contre le Gouvernement Anglais et le navire capteur pour la valeur de mon chargement, les dommages et intérêts, etc.

Du 1 *au Jeudi* 2 *Mai.*

A 3° P.M. est arrivé le nègre nommé Popo, venant de l'intérieur; je lui ai demandé compte de mes effets et de mes comptes, papiers et journal que j'ai laissé chez lui; il m'a dit qu'il avait consigné tout à mon équipage au moment où il fut jeté à terre; et que ceux-ci étant partis, il ne lui ont rien laissé; le temps se met à la pluie, qui dure toute nuit. A 6° A.M. dépêché un exprès à Francisco dans l'intérieur et envoyé la pirogue à bord.

Du 2 *au Vendredi* 3 *Mai.*

A 4° P.M. reçu du bord deux paquets et une demi pipe de rhum; commencé à payer les frais de mon équipage; un palabre a commencé et a duré jusqu'à la nuit, qui a été belle; au matin envoyé de l'eau et du bois.

Du 3 *au Samedi* 4 *Mai,* 1839.

Le palabre a continué; acheté des provisions fraîches; reçu des nouvelles du bord; tout l'équipage est malade; forte tournade sur le faire du jour; continué à faire de l'eau.

Du 4 *au Dimanche* 5 *Mai.*

Grosse mer; les pirogues ne peuvent aller à bord. Une goëlette à hunier en vue allant à l′ O.

Du 5 *au Lundi* 6 *Mai.*

Même mer et pluie; la fièvre m'ayant pris, je suis obligé de garder le lit et me saigner; débarqué 4 barils d'eau-de-vie et payé le compte de l'équipage.

Du 6 *au Mardi* 7 *Mai.*

Francisco m'ayant envoyé dire qu'il va venir, je me suis déterminé à l'attendre; même temps, même mer.

Du 7 *au Mercredi* 8 *Mai.*

Un brick a mouillé à Quita et une goëlette à Jebe; envoyé de l'eau et du bois à bord, ainsi que des provisions; beau temps.

Du 8 *au Jeudi* 9 *Mai.*

Tournade durant la nuit; la fièvre m'a laissé; le jour beau temps.

Du 9 *au Vendredi* 10 *Mai.*

La nuit belle; le brick s'est mis à la voile et louvoier.

Du 10 *au Samedi* 11 *Mai.*

A 4° P.M. le brick a mouillé et hissé le pavillon Américain. A 10° A.M. j'ai été à son bord et le capitaine m'a promis de venir à terre demain. Le brick est le "*Moris Coper*" de Philadelphie.

Du Samedi 11 *au Dimanche* 12 *Mai.*

Pluie et tournade toute la nuit. A 11° A.M. le capitaine Américain n'a pu venir à terre, et me l'a envoyé dire.

Du Dimanche 12 *au Lundi* 13 *Mai.*

Beau temps ; achevé de faire mes provisions et mes affaires.

Du Lundi 13 *au Mardi* 14 *Mai.*

Brise très fraîche ; la nuit calme. Le capitaine Américain m'a donné le certificat de la perte de mon chargement.

Du Mardi 14 *au Mercredi* 15 *Mai*, 1839.

H.	M.	D.	Course.	Vent.	
2	6	,,	S. S. E.	S. W.	A 1° P.M. fait voile.
4	4	5			
6	5	,,			
8	3	5			
10	4	,,		Variable.	
12	4	,,			
2	3	,,			
4	2	,,		tournades	
6	2	,,		très-fortes.	
8	1	,,			
10	2	,,			
12	6	,,			
Lat. Observée, 4° 52′ N. Long. 2° 50′ E.					

Du 15 *au Jeudi* 16 *Mai.*

H.	M.	D.	Course.	Vent.	
2	6	5	S. S. E.	S. S. E.	
4	3	5	W.	Tournades.	
6	,,	,,			
8	6	5			
10	3	,,			
12	2	5			
2	2	,,			
4	1	,,			
6	,,	,,			
8	,,	,,			
10	1	,,			
12	2	5			
Lat. Observée, 4° 24′ N. Long. 3° 7′ E.					

Du 16 *au Vendredi* 17 *Mai*, 1839.

H.	M.	D.	Courses.	Vent.	
2	1	5	S. S. E.	S. W.	
4	1	5			
6	,,	,,			
8	,,	,,			
10	,,	,,			
12	,,	,,			
2	1	,,	S. W.		
4	,,	5			
6	,,	,,			
8	1	,,	S. S. E.		
10	5	,,			
12	5	5			
Lat. Observée, 3° 49′ W. Long. 3° 7′ E.					

Du 17 *au Samedi* 18 *Mai.*

H.	M.	D.	Courses.	Vent.	
2	6	5	S. E.	S. S. W.	
4	6	5			
6	7	,,		Pluie et tournades.	
8	8	,,			
10	10	,,			
12	10	,,	S. E. ½ E.		
2	11	,,			
4	7	,,	S. S. E.		
6	7	,,			
8	7	,,			
10	5	,,			
12	3	,,			
Lat. Observée, 2° 42′ N. Long. 4° 47′ E.					

Du 18 *au Dimanche* 19 *Mai,* 1839.

H.	M.	D.	Courses.	Vent.	
2	4	,,	S. S. E.	S. W.	
4	4	,,			
6	3	,,			
8	5	,,			
10	4	,,	S. E. 15° S.		
12	4	,,			
2	2	,,			
4	3	5	S. E. 5° S.		Au jour, une goëlette venant sur nous, nous prenons chasse.
6	4	,,			
8	2	5			
10	4	,,			
12	4	,,			
Lat. Observée, 2° 31′ N. Long. 6° 7′ E.					

Du 19 *au Lundi* 20 *Mai.*

H.	M.	D.	Courses.	Vent.	
2	5	,,	S. E.	Vent à risées variable.	A 3° P.M. un officier de la goëlette est venu à bord après avoir mis en panne au second coup de canon qu'elle a tiré, et après avoir vu les papiers il m'a conduit à bord ; c'est alors que j'ai su que cette goëlette était le "Wiper ;" et le commandant a ordonné qu'on ouvre mes écoutilles ; j'ai protesté, et il m'a fait donner le certificat ci-joint.
4	,,	,,			
6	4	,,	S. S. E.		
8	4	,,			
10	4	,,			
12	5	,,		grosse mer.	
2	3	,,			
4	3	,,			
6	2	5			
8	2	5	S. E.		
10	2	5			
12	3	,,			
Lat. Observée, 1° 55′ N. Long. 7° 13′ W.					

Du 20 *au Lundi* 21 *Mai,* 1839.

H.	M.	D.	Courses.	Vent.	
2	3	,,	S. E. ½ S.	S. O. ½ S.	A 4° P.M. la pointe N. de l'île du Prince nous reste S. S. E. et celle de l'O. au S. 16° O. ; nous sommes éloignés 8′ de la Roche de Galle ; tournade très-forte.
4	3	,,			
6					
8	,,	,,			
10	,,	,,			
12	,,	,,			
2	2	,,			
4	2	5			
6	2	5			
8	3	5			
10	3	5			
12	4				
Lat. Observée, 1° 37′ N. Long. 7° 52′ E.					

Du 21 *au Mardi* 22 *Mai.*

H.	M.	D.	Courses.	Vent.	
2	4	,,	S. E. ½ E.	S. ½ O.	A 8° A.M. l'île de Corisco au S.'E.; le vent vient de terre; à midi viré de bord au milieu du canal.
4	4	,,			
6	4	,,			
8	3	,,			
10	3	,,			
12	3	,,			
2	3	,,			
4	3	,,			
6	3	,,			
8					
10					
12					

Du 22 *au Mercredi* 23 *Mai.*

Mouillé à Corisco, par 5 brasses; beau temps; été à terre.

Du 23 *au Jeudi* 24 *Mai,* 1839.

Je suis resté à terre avec la fièvre des plus violentes; à 6° A.M. mis à la voile pour la rivière du Gabon.

Du 24 *au Vendredi* 25 *Mai.*

Nous louvoyons; à 2° P.M. un brick-goëlette Anglais vient en nous tirant des coups de fusil; ces Messieurs sont de la dernière insolence et lâcheté; un officier est venu à bord et a visité le navire, et m'a conduit à bord, où j'ai eu à faire à un capitaine qui m'a fait des menaces.

Du 25 *au* 26 *Mai.*

Le brick-goëlette nous suit, et je mets à la cape la nuit; il veut que je le pilote, et je l'envoie à tous les diables.

Third Enclosure in No. 246.

Register of Schooner "Iago."

[A Seal.]

Signature illegible.

Register.

UNITED STATES.

L.S. Custom-House, New Orleans.

Signature illegible, supposed to be

JOHN PRUDHOE, *Collector.*

H. D. PEIRE, *Naval Officer.*

REGISTER OF VESSELS.

IN pursuance of an Act of the Congress of the United States of America, entitled "An Act concerning the Registering and Recording of Ships or Vessels," Adolphus Dupony, of the city of New Orleans and state of Louisiana, having taken or subscribed the oath required by the said Act, and having sworn that he is the true and only owner of the ship or vessel called the "*Iago,*" of New Orleans, whereof he, Adolphus Dupony, is at present master, and is a citizen of the United States, as he hath sworn; and that the said ship or vessel was built at Hampton, state of Virginia, in the year eighteen hundred and thirty-six, as it also appears from a Certificate of Registry, No. 96, issued at this port on the 6th day of December, 1836, now surrendered ——— property changed ———

And said Certificate of Registry having certified that the said ship or vessel has one deck and two masts, and that her length is fifty-eight feet three inches, her breadth sixteen feet nine inches, her depth six feet three inches, and that she measures fifty-three and $\frac{6}{95}$ tons; that she is a schooner, has a square stern, no galleries, and a billet head. And the said Adolphus Dupony having agreed to the description and admeasurement above specified, and sufficient security having been given according to the said Act, the said schooner has been duly registered at the port of New Orleans.

Given under our hand and seal, at the port of New Orleans, this third day of November, in the year one thousand eight hundred and thirty-seven.

Fourth Enclosure in No. 246.

LIST of PERSONS composing the Crew of the Schooner "*Iago*," of New Orleans, whereof is Master A. Dupony, bound to Matanzas.

Names.	Places of Birth.	Places of Residence.	Of what Country, Citizens or Subjects.	Description of their Persons.				
				Aged.	Height.		Complexion.	Hair.
					Feet	Inches		
Frederick Gadepaille	New Orleans	New Orleans	United States, America	27			Regular	Brown
Gayetan Bru	Pensacola	Pensacola	,, ,,	22			White	Do.
Joseph Flores	Do.	Do.	,, ,,	29			Dark	Black
John Pack	Do.	Do.	,, ,,	28			Do.	Do.
John Brown	New Orleans	New Orleans	,, ,,	26			Do.	Do.
Alonz Jayen	Do.	Do.	,, ,,	12			Do.	Do.

Havana, September 3, 1838. (Signed) A. DUPONY.

Certificate of Mr. Vice-Consul Smith.

Consulate of the United States of America, Havana.

I, JOHN A. SMITH, Vice-Consul of the United States of America, do hereby certify that on the day of the date hereof before me personally appeared A. Dupony, master of the schooner "*Iago*," of New Orleans, and, being duly sworn, did declare that the list hereunto attached contains the names of the persons composing the crew of said vessel, together with the places of their birth and residence, so far as he can ascertain the same.

In testimony whereof, I hereunto set my hand and affiix my seal of office, at Havana, this 3rd day of September, in the year of our Lord 1838, and of the Independence of the United States the 63rd.

(L.S.) (Signed) J. A. SMITH.

Certificate of Mr. Vice-Consul Trant.

Consulate of the United States of America, Matanzas, November 9, 1838.

I, CHARLES P. TRANT, Vice-Consul of the United States of America at this port, and residing within the same, do certify, that on this day before me personally appeared A. Dupony, master of the schooner "*Iago*," of New Orleans; and, being duly sworn, did declare, that John Pack, John Brown, and Alonz Jayen, seamen, named and described in the above list, have deserted and left said vessel while lying in this port, and that he has shipped Antonio Dias, José Monso Abascal, Ramon Garcia, Bartolo Seguin, Geronim Dias, José Garcia, Francisco Anton, and Manoel Cherombo; said vessel now bound on a voyage to Cape Mesurado. Witness my hand and seal of office hereto affixed.

(L.S.) (Signed) CHARLES P. TRANT,
Vice-Consul.

Fifth Enclosure in No. 246.

Attestation of Four Captains as to the re-delivery of Papers and Effects of Captain Dupony.

DEVANT nous Soussignés, capitaines de navire, ont été rendus au Capitaine Dupony, de la goëlette Américaine "*Iago*," de la Nouvelle Orléans, par le capitaine de prise, M. Thomas Stevens, les objets suivans: primo, les papiers contenant, No. 1 un journal d'habitude; No. 2 le rôle d'équipage; No. 3 le registre ou patente; No. 4 une patente de pilote de Gaetano Bru, et deux reçus de la douane de la Havane, et trois lettres, deux pour Monte Video, ut une pour

Bordeaux, qui ont été recachetées avec de la cire rouge. Secondo, cent quatorze doublons et vingt-neuf piastres fortes monnaie Espagnole en tout (114 doublons, 29 piastres fortes).

Tercio, le navire dans l'état dans lequel il se trouve, conformément à l'inventaire auquel nous allons procéder, et auquel nous le sommons d'assister, l'avertissant que s'il s'y refuse, nous l'assurerons dans le protêt du Capitaine Dupony. En foi de quoi nous signons le présent, à Sierra Leone, ce 30 Mars, 1839.

Fait en double original.

(Signé) *Como Capitan de Buque,*
VICTE. SANCHEZ.
Como Capitan Italiano de Bastimente Mercante,
MARIANO SGITCOVICH.
Como Capitan de Navios,
MANOEL DO NASCIMTO. ALOURA.
Comme Capitaine au Longcours,
J. E. LAMARC.

(Signed) THOMAS STEVENS,
Gunner, Her Majesty's brigantine "Termagant," in charge of the schooner "Iago."

Sixth Enclosure in No. 246.

Attestation of Four Captains as to state of Schooner "Iago" when re-delivered to Captain Dupony.

Nous Soussignés, capitaines de navires, déclarons, qu'ayant été appelé par le Capitaine Dupony, de la goëlette Américaine "*Iago,*" pour constater l'état dans lequel se trouve la dite goëlette, telle qu'elle lui a été remis par le capitaine de prise, Mr. Stevens, devant nous et en notre présence, ainsi que l'inventaire des objets qui lui ont été laissés à bord, nous nous sommes transportés à bord de la dite goëlette, et le capitaine de prise ne se trouvant pas à bord, malgré l'intimation qui lui en a été faite de se présenter, avons procédé comme experts, conformément à la loi, au reconnaissement et à l'inventaire, et jurons devant Dieu et sur la Bible avoir trouvé que la dite goëlette a besoin d'être calfatée et a perdu plusieurs feuilles de cuivre qui nous fait craindre qu'elle soit piquée dans ses fonds, que les écoutes de mizaine et de foc lui manque, que divers morceaux des plabords ont été cassés. Dans la chambre a été présenté devant nous la malle du capitaine dont les petons du cadenats ont été brisés ; nous avons ensuite fait l'inventaire des objets suivans :—

La coque du navire avec son gouvernail ; les deux mats et le beaupré et bouts dehors avec leurs cordages et haubans. Deux vergues de fortune et deux matereaux de hune. Deux chaînes et leurs ancres, une cabane rompue, et une cuisine, une abitacle. La grande voile neuve avec sa baume et écoute, le foc et petit foc sans écoutes ; la mizaine neuve sans écoutes.

Une voile de fortune neuve.
Un jeu de voiles vieilles.
Vingt-six avirons de diverses grandeurs.
13 caisses.
10 planches et bouts de planches de pin.
5 id. id. de cèdre.
9½ pipes d'eau-de-vie.
1 id. de vin.
1 baril huile de palme.
1 id. vinaigre.
4½ pipes pleines d'eau salée.
2 barils de pain.
6 paquets de balais.
3 petits barils de vin.
8 demijonnes vides.
Une portion de caisses de vin et d'autres choses rompues.
Un baril de lard entamé.

Dans la Chambre.

Un baril de sucre entamé.
Un sac de café.
Trois compas.
Une caisse servant de table et contenant des assiettes et tasses à café, &c.
Divers pots de fer blanc et trois fanaux.
Diverses provisions.
4 pavillons différens.
Une portion de charbon de terre.

Les objets ci-dessus indiqués étant les seuls que nous avons trouvés à bord, nous avons signé le présent et l'avons délivré au Capitaine Dupony, pour lui servir et valoir ce que de raison, à Sierra Leone, ce 31 Mars, 1839.

Como Capitao de Navios Mercantes,
(Signé) MANOEL DE NASCIM^TO. ALOURA.
VIC^TE. SANCHEZ.
MARIANO SGITCOVICH,
Capitan.
F. E. LAMARC,
Capitaine au Longcours Français.

Seventh Enclosure in No. 246.

Memorandum by Lieutenant Seagram.

THE following sums have been found in the possession of the crew belonging to the schooner "*Iago*," and left in charge of Mr. Stevens, the prize-master, to be given into the possession of the Mixed Commission Court at Sierra Leone, viz. :—

1 bag containing 58 doubloons.
1 ditto 56 ditto.
29 mixed dollars.

(Signed) H. F. SEAGRAM,
Lieutenant and Commander.

Eighth Enclosure in No. 246.

Statement by Lieutenant Seagram as to the state of "Iago" *when captured.*

I, HENRY F. SEAGRAM, Lieutenant and Commander of Her Majesty's brigantine "Termagant," hereby declare that on this 21st day of February, 1839, being in or about latitude 5° 46′ north, longitude 0° 55′ east, I detained the schooner named the "*Iago*" (Spanish property), sailing under American colours, not armed, commanded by A. Dupony, who was on shore, and the mate, Gayetan Bru, declared her to be bound from Matanzas, Island of Cuba, to Cape Mesurado, and back to Matanzas, with a crew consisting of one master, one mate, six men, and one passenger, equipped for the traffic in slaves, contrary to the Treaty with the Queen-Regent of Spain, signed at Madrid, June 25, 1835; and that the papers and documents seized by me on board the said schooner, being marked No. 1 to No. 4, are enumerated in the following list.

(Signed) HENRY F. SEAGRAM.
Lieutenant and Commander.

1. Log of proceedings in Spanish.
2. Register.
3. List of crew.
4. Parcel containing letters, &c.

Ninth Enclosure in No. 246.

Passengers' Permit.

Secretary's Office, Colony of Sierra Leone.

PERMIT to depart on their voyage from this colony to the Leeward

Coast the under-mentioned individuals, passengers on board the "*Iago*," Dupony commander, and bound to the Leeward Coast.

José Dolores.
Francisco Gomes.
Ramon Mora.
Antonio Rodrigues.
} In all four passports.

Duty 10*s*.

Given under my hand and seal of office, at Freetown, this 6th day of April, 1839.

(Signed) THOMAS COLE,
Colonial Secretary.

(Extract.)

Tenth Enclosure in No. 246.

Mr. Trist to Mr. Forsyth.

Havana Consulate, Washington, November 28, 1840.

I HAVE the honour to lay before you a copy, transmitted to me for the purpose by the Vice-Consul, on behalf of the captain, of a protest extended in the Consulate of the United States of America at Havana, by James B. M'Connell, master of the schooner "*Hero*," of New Orleans, for an outrage perpetrated upon that vessel by Her Britannic Majesty's brig "Lynx."

Eleventh Enclosure in No. 246.

Protest of James B. M'Connell, Joseph Williams, Henry Lord, and James Stow.

Consulate of the United States of America, Havana.

By this public instrument of Protest, be it known and made manifest to all whom it doth, or may or shall concern, that on the day of the date hereof, before me, John A. Smith, Vice-Consul of the United States of America for the city of Havana, personally came and appeared James B. M'Connell, master of the schooner "*Hero*," belonging to the port of New Orleans, in the State of Louisiana, of the burthen of 126 tons, or thereabouts; also Joseph Williams, mate of said schooner; and Henry Lord and James D. Stow, seamen belonging to said schooner aforesaid: who, being severally sworn, did declare and depose,—That the said schooner being laden with a cargo of assorted merchandise, they, the said appearers, made sail in and upon the said schooner from the port of Havana, bound to Whydah, coast of Africa, on the 15th day of June, 1840. That in the prosecution of the voyage nothing material occurred until the 9th day of August, 1840, when at 3° 30′ we were boarded by the commander of Her Britannic Majesty's brig "Lynx," and brought to an anchor, and the hatches opened and the hold overhauled; and after a short overhaul, the commander decreed that he would send the vessel to Sierra Leone, and that the captain and cook might stop on board, and all the rest of the crew were to go on board of the "Lynx," and to be sent on shore. Captain M'Connell complained to the commander of the brig on account of the conduct of the men whom he put on board the schooner "*Hero*," and had charge of the vessel one night, they having robbed the vessel of all the provisions they could get at: viz., two hams, about one-third of a barrel of mackerel, and broke open one barrel of bread, and did considerable damage to the cargo. The commander said, that if the hams could be found on board his vessel, he would give the schooner up again, and let her proceed on her voyage. The hams being found on board his vessel, the crew were all sent on board our own vessel again, and commenced to clear up decks and get the vessel under weigh, the commander of the brig having thought proper to give her up. At 5° 30′ came to at Whydah; furled sails, &c., &c.; ends fine; A.M., fine weather; at 8, canoes came off to receive cargo. On opening the hatches, found considerable damage done to the cargo by the crew of the British brig of war "Lynx," through carelessness and bad stowage of the pipes of aguadiente that were broke out and hoisted on deck by them, two pipes being bilged, and several stowed bung down, and consequently leaked very much.

And therefore the said James B. M'Connell did declare to protest, as by these presents he doth solemnly protest, against all and every person or persons whomsoever it may or shall concern, and particularly against the Government of Her Britannic Majesty, for this unlawful, vexatious, and injurious act on the part of the commander and crew of the aforesaid brig of war "Lynx," holding the said Government responsible in damages for all injury suffered by said vessel and cargo, and any persons interested therein by said unlawful and injurious act.

All which matters and things were declared, alleged, and affirmed, before me the said Consul; and therefore I hereunto set my hand and affix the seal of my office, being requested to certify and testify the premises.

Thus done and protested at the city of Havana, this third day of November, in the year of our Lord one thousand eight hundred and forty, and of the independence of the United States the sixty-fifth.

(Signed) J. A. SMITH, *Consul.*

(L.S.)

(Signed) JAMES B. M'CONNELL.
JOSEPH WILLIAMS.
HENRY LORD.
JAMES D. STOW.

No. 247.

Mr. Stevenson to Viscount Palmerston.

32, *Upper Grosvenor Street, March* 1, 1841.
(*Received March* 3.)

THE Undersigned, Envoy Extraordinary and Minister Plenipotentiary from the United States, had the honour, on the 13th of November last, of presenting to the notice of Her Majesty's Government, by the direction of the President, a complaint in relation to the seizure and detention of the American brig "*Douglas*," of Duxbury, Massachusetts, on the African coast, by Lieutenant Seagram, of Her Majesty's brigantine the "Termagant," on the charge of having on board a suspicious cargo, and intended for Slave Trade.

Since the submission of this case, the Undersigned has received two additional documents herewith enclosed, the one consisting of a Letter addressed to the Secretary of State of the United States, by A. A. Frazar, the claimant; the other, the copy of a Certificate of Lieutenant Seagram, under date of the 29th of October, 1839, admitting the seizure and detention of the brig, and her surrender and departure.

In transmitting these papers to Lord Palmerston, the Undersigned avails himself of the occasion to express an earnest hope that Her Majesty's Government will not fail to see the justice and importance of coming to an early decision, not only of the present case, but those of a similar character which have heretofore been presented to its consideration.

The Undersigned renews to Lord Palmerston assurances of his high consideration.

(Signed) A. STEVENSON.

The Right Hon. Viscount Palmerston, G.C.B.,
&c. &c. &c.

First Enclosure in No. 247.

Mr. A. A. Frazar to Mr. Forsyth.

SIR, *Boston, December* 22, 1840.

I BEG leave to transmit to you the accompanying documents relating to the seizure and detention, by Lieutenant Seagram, the commanding officer of Her Britannic Majesty's brigantine "Termagant," of the brig "*Douglas*," of Duxbury, in this Commonwealth, Baker master, on the coast of Africa, in October last, and to ask the interposition of the Government of the United States to obtain from the British authorities a proper indemnity therefore.

The brig was engaged in a perfectly lawful trade, without the most remote

participation in, or connexion with, traffic in slaves; and there was no just ground to suppose that she was in pursuit of any unlawful object. All the proceedings of Lieutenant Seagram in this respect were, if not a wanton, at least a reckless violation of private rights, and of the American flag.

Though the brig was held in custody but three [?] days, she was during that time kept sailing down the coast, where she was borne along by a strong current at so rapid a rate that it took her twenty-eight days after her release to return to the place of her seizure. In the mean time, the officers and crew of the brig were taken sick, in consequence of their long exposure under the burning sun of that region, from which sickness three of the crew died on their homeward passage, and the captain still remains an invalid, and probably will so remain during his life. The loss occasioned by the detention of the brig was much more than the mere loss of time and expenses during thirty-one days, as the purposes and objects of the voyage were much deranged, and finally partially defeated.

It is difficult to say what sum, under the circumstances, would be a just and proper indemnification for the injuries sustained; and I do not suppose that a full remuneration can be obtained without wearisome delay and much inconvenience, by going into the details and more remote consequences of the transaction. I would prefer that the matter should be adjusted speedily, and at a loss, rather than that a protracted negotiation should be entered into, though a larger amount should be ultimately obtained.

With these views I would relinquish my claim, to the British Government, for five thousand dollars, though a considerably larger sum would not fully repair the damages I have sustained in the premises.

If any further information or proof shall be needed by your department in the case, may I ask of you the favour to inform me what it is, and if it be in my power todo so, I will promptly furnish it.

I have, &c.
(Signed) A. A. FRAZAR.

The Hon. John Forsyth,
&c. &c.

Second Enclosure in No. 247.

Certificate of Lieutenant Seagram.

THE American brig "*Douglas*," from the Havana, bound to the rivers Bras and Bonney, was detained by Her Majesty's brigantine "Termagant," on the 21st instant, having a suspicious cargo on board.

I have now allowed her to proceed on her voyage, finding that no information is yet received from the United States respecting the American flag.

Given under my hand, on board Her Majesty's brigantine "Termagant," off Popoe, this 29th day of October, 1839.

(Signed) H. F. SEAGRAM,
Lieutenant and Commander.

No. 248.

Viscount Palmerston to Mr. Fox.

SIR, *Foreign Office, March* 11, 1841.

WITH reference to my Despatch of the 26th of February, 1840, enclosing copies of correspondence between the Minister from the United States and myself respecting the detention of the vessel the "*Edwin*," under the colours of the Union, by Her Majesty's sloop "Columbine," Lieutenant Elliot commander, I herewith transmit to you, for your information, copies of further correspondence which has passed between Mr. Stevenson and myself upon that subject.

I am, &c.
(Signed) PALMERSTON.

H. S. Fox, Esq.,
&c. &c.

First Enclosure in No. 248.

Viscount Palmerston to Mr. Stevenson.

Foreign Office, August 17, 1840.

(See Class D. 1840, No. 104, p. 85.)

Second Enclosure in No. 248.

Mr. Stevenson to Viscount Palmerston.

London, August 24, 1840.

(See Class D. 1840, No. 106, p. 88.)

No. 249.

Viscount Palmerston to Mr. Fox.

SIR, *Foreign Office, March* 16, 1841.

WITH reference to your Despatch of the 29th of November, 1839, and to previous correspondence, respecting the case of the negroes who were taken on board the slave-vessel "*Amistad*," I have to desire that you will acquaint me, for the information of Her Majesty's Government, whether the American courts of law have yet come to any decision upon this case, and what has become of the negroes.

I am, &c.

(Signed) PALMERSTON.

H. S. Fox, Esq.,
&c. &c.

No. 250.

Viscount Palmerston to Mr. Fox.

SIR, *Foreign Office, March* 16, 1841.

WITH reference to my Despatch to you of the 9th ultimo, respecting the detention of the American brig "*Tigris*" by Her Majesty's ship "Waterwitch," Lieutenant Matson, I transmit to you the accompanying copy of a further communication which I have received upon this subject from Her Majesty's Consul at Boston, and also the accompanying copy of a statement recently received at this office from the Admiralty, upon the same subject.

You will perceive from the statement in the letter from the Admiralty, that Lieutenant Matson was obviously aware that he had no authority to interfere with the proceedings of American ships upon the coast; but that he conceived he should be acting in conformity to the wishes of the Government of the United States, as well as of his own Government, by taking notice of cases of slave-trading which had been declared to be piracy by the laws of both countries.

It is probable that Lieutenant Matson, in thus exceeding the limits of his authority, may have had in view the agreement which Captain Tucker, of Her Majesty's ship "Wolverene," entered into with Lieutenant Paine, of the United States' ship "*Grampus*," that slave-vessels under American colours should be detained by either party, in order that, if they turned out to be American property, they might be delivered over to an American cruiser; but if they turned out to be Spanish, Brazilian, Portuguese, or British property, they might be delivered over to a British cruiser.

From the enclosures in my Despatch of the 17th June, 1840, containing a copy of that agreement, and from the enclosures in my Despatch of the 29th of the same month, containing correspondence between Lieutenant Stoll, of

Her Majesty's ship "Bonetta," and Lieutenant Paine, of the United States' ship "*Grampus*," it is clear that the officers of the British and of the United States' navies, employed upon the coast of Africa in suppressing Slave Trade, mutually searched suspicious vessels, under the agreement referred to in those papers.

With view, however, to prevent any possible misunderstanding between the two Governments upon this important question, Her Majesty's Government have issued orders to the commanders of all Her Majesty's cruisers, prohibiting them from capturing any vessels belonging to the United States, however clearly it may appear that such vessels are engaged in the Slave Trade.

At the same time, however, Her Majesty's Government must express their hope that the Government of the United States will, out of a regard for the honour of the Union, as well as from principles of humanity, take more effectual steps than it has hitherto done to prevent the laws of the United States from being openly set at defiance by the employment of American ships in the Slave Trade.

You will, by note, communicate the substance of this Despatch to the United States Government.

I am, &c.
(Signed) PALMERSTON.

H. S. Fox, Esq.,
&c. &c.

First Enclosure in No. 250.

Mr. Grattan to Viscount Palmerston.

Boston, January 31, 1841.

(See No. 294.)

Second Enclosure in No. 250.

Sir John Barrow to Lord Leveson.

My Lord, *Admiralty, March* 3, 1841.

Having laid before my Lords Commissioners of the Admiralty your Lordship's letter of the 1st instant, respecting the American brig "*Tigris*," captured by Her Majesty's ship "Waterwitch," and carried into the port of Salem, in the United States, I am commanded by their Lordships to acquaint you, for the information of Viscount Palmerston, that, referring to Lieutenant Matson's letter of the 11th October, 1840, that officer was obviously aware that he had no authority to interfere with the proceedings of American ships upon the coast. But he states that he conceived he should be acting in conformity with the wishes of the Government of the United States, as well as of his own Government, by his interposition in cases of slave-trading, which had been declared to be piracy by the laws of both countries.

It is probable that, in thus exceeding the precise limits of his authority, he may have had in view the agreement entered into by Commander Tucker, of Her Majesty's sloop "Wolverine," and by Lieutenant Paine, of the United States navy, and the arrangements made by them for mutual co-operation of British and American cruizers on the coast in the suppression of the Slave Trade.

The details of this arrangement, which it is to be presumed must have been communicated to his own Government by Lieutenant Paine, will be found in a letter from Commander Tucker of the 12th of March, 1840, a copy of which was sent to the Foreign Office in my letter of the 6th of July last. And a letter from Commander Tucker of the 17th of March, 1840, which was communicated to the Foreign Office on the 8th of July last, transmits some correspondence which had passed between Lieutenant Stoll, of the "Bonetta," and Lieutenant Paine, of the "*Grampus*," of the United States navy, respecting the seizure of an American slaver delivered over to Lieutenant Paine.

In a letter of the 12th of May, 1840 (a copy of which is sent herewith), Commander Tucker reports his having examined an American vessel under suspicious circumstances, and states that he had written to Lieutenant Paine, informing him that he had done so, and requesting that the Lieutenant would also examine her. It is obvious, therefore, that the practice of mutual search was carried on

upon the coast under the agreement and understanding which had been come to by the officers of the British and American navy.

Orders have, however, now been sent out, prohibiting the capture of any vessel belonging to the United States which may be engaged in the Slave Trade.

I have, &c.

(Signed) JOHN BARROW.

The Lord Leveson,
&c. &c.

Third Enclosure in No. 250.

Commander Tucker to Mr. More O'Ferrall.

Her Majesty's ship "Wolverine," at sea,
Lat. 1° 27′ *N., long* 6° 43′ *E. May* 12, 1840.

SIR,

IN consequence of the Commander-in-Chief (Rear-Admiral the Hon. G. Elliot, C.B.) having been appointed to the Indian command, and of the impossibility, therefore, to transmit the originals in time to reach him, I beg to forward, for the information of the Lords Commissioners of the Admiralty, the following copies of some of my late letters to him; the first being a report of my proceedings to the 17th of March, since which I beg to report that, after I had completed the duties I was then employed upon, I sailed from Sierra Leone on the 21st of March.

On the 26th I found the "*Dolphin*," American brigantine of war, at anchor at the settlement of Liberia at Cape Mesurado, with which vessel I communicated, and found her commander absent, therefore did not anchor.

On the 27th I chased a fine ship into New Sestos, a noted slaving place, where she anchored, and, on boarding, proved to be an American ship belonging to New York, from the Havana, with a cargo consisting of the articles always brought for the purchase of slaves, belonging to notorious slave-dealers at the Havana, one of whom had landed immediately she anchored and before my boat could get on board, who had chartered the vessel at a very high rate, to bring the cargo to New Sestos and other places on the coast, and to return with cargo from New Sestos to the West Indies. I examined the vessel's papers very strictly, and, not being able to remain to watch her, wrote to Lieutenant Paine, commanding the United States' schooner "*Grampus*," to inform him of it, and to request he would examine her; and also ordered Commander Denman to have New Sestos well watched, there being between 2000 and 3000 slaves in the barracoons.

On the 2nd of April I detained and sent to Sierra Leone a Brazilian brig, bound to Lagos with a cargo for the purchase of slaves; and, after touching at Cape Coast and Accra for and with letters, visited all the slaving places in the Bight of Benin, and arrived at West Bay, Princes, on the evening of the 29th ultimo, and sailed again at daylight the next morning, to intercept, if possible, a slave-vessel reported to be standing to the southward with a cargo of slaves, and, after an unsuccessful cruize, arrived again at Princes on the 7th instant, to refit and copper this sloop's bottom, and complete wood and water, and found the "Viper," "Harlequin," and "Lynx;" the "Lynx" sailed for her cruizing ground, and the "Viper," being refitted as a brigantine, as reported in my letter of the 8th, sailed in company with the "Harlequin" and this sloop yesterday evening to occupy her cruizing ground. The "Harlequin" will proceed this day to Spithead, pursuant to their Lordships' order of the 20th of January, 1840, *viâ* Ascension and Sierra Leone, instead of to the Cape, with the Quarterly Returns, in consequence of the Commander-in-Chief being ordered to India; and I am now on my way to the River Gaboon to present King Denny with the medal sent out per "Wanderer."

The squadron under my command are, I am happy to inform you, generally healthy.

I have, &c.

(Signed) WILLIAM TUCKER, (*b*)
Commander and Senior Officer.

R. More O'Ferrall, Esq.,
&c. &c.

Fourth Enclosure in No. 250.

Commander Tucker to Rear-Admiral Elliot.

Her Majesty's ship "Wolverine,"
Sierra Leone, March 17, 1840.

SIR,

IN obedience to your orders of the 15th and 16th ultimo, I have the honour to inform you that I arrived at this place on the 2nd instant, and found the "Wanderer," Commander the Hon. J. Denman, from England, had anchored the day previous, with the "Saracen," Lieutenant Hill, from the Casamança, Gambia, and Senegal; that on the 3rd the "Conflict" was surveyed by my orders of the 2nd, and reported unfit for the service, as per report transmitted in my letter of the 3rd, No. 110. That in consequence of that report I ordered her to be removed in-shore to prevent her obstructing the navigation of the river, should she founder, as expected by the surveying officers. That an inventory should be taken of her stores, &c., which, with the vessel, properly moored, was to be handed over to the charge of the Assistant Commissioner-General, whom I had directed to take charge of her, and place a steady Krooman on board, which services were performed by the "Wanderer."

On the 4th I ordered the commander of the "Wanderer" to assume the duties of senior officer on this division of the station, vice the commander of the "Harlequin," ordered to England by Admiralty order of the 20th of January, 1840, with directions to send the "Saracen" to Portendick to protect the British interests there during the season of the gum trade, as per Admiralty order of the 10th of May, 1839; Lieutenant Hill having arranged the affair of the River Casamança, so far as possible, until the respective Governments have decided, and reported the examination of a canoe with the slaves, and the seizure of the schooner "*Senegambia,*" as per my letters transmitting copies of the correspondence, Nos. 112 and 113, of the 5th instant, and No. 116, dated the 15th instant.

On the 6th instant the "*Senegambia,*" detained by the "Saracen," as reported in my letter of the 5th, No. 111, having been condemned in the Vice-Admiralty Court, was surveyed, and found unfit for Her Majesty's service, as per reports of survey annexed, which has been the only vessel condemned since my arrival that could be sold. With respect to the purchase of one, I have given such orders to the commander of the "Wanderer" as will induce him not to delay that object.

On the 6th the "Saracen" sailed, under the orders of Commander the Hon. Joseph Denman, for Portendick. On the evening of the same day the "Bonetta" arrived from the River Pongos, having detained there a vessel under American colours, suspected of being Spanish property, and being equipped and fitted for the Slave Trade, who reported his proceedings as per my letter of the 9th instant, No. 114.

On the 7th the United States schooner "*Grampus,*" Lieutenant Paine, commander, arrived, with whom I entered into a correspondence and agreement, as reported in my letter of the 12th instant, No. 115.

On the 10th the "Wanderer" sailed on a cruize, and with orders to Lord Francis Russell to proceed to Spithead. On the 14th the French schooner of war "*La Rachel*" arrived, bringing letters from the Governor of Senegal to the Governor of this place and the senior officer of the naval force here, relating to the "*Senegambia,*" as reported in my letter of the 6th instant, No. 113. Copies of the correspondence between the Governor of Senegal, the commander of the "*Rachel,*" and myself, are transmitted in my letter of the 15th instant, No. 117.

On the 15th instant the "*Fantôme,*" Commander Butterfield, arrived, by which opportunity I send you this, the reports, and other despatches which seem of importance. I hope to be able to sail to-morrow, if not, as soon after as possible. I am only delayed to complete the reports and copies for the Secretary of the Admiralty. I send you, attached, the rough draft of a contract for bullocks and fodder for "Ascension," which I found a person here who has the contract for supplying the navy at present with fresh meat willing to enter into, and supply bullocks and fodder enough for the passage there, at the rate of 5*l.*

per head, to average 200lbs, which, with the fodder included, is 6*d.* per lb. The contract can be commenced immediately you may be pleased to approve of it, and the "Ascension, is bought and ready to receive them.

I have, &c.

(Signed) WILLIAM TUCKER, (*b*)
Commander.

Rear-Admiral Elliot,
&c. &c.

Fifth Enclosure in No. 250.

Commander Tucker to Rear-Admiral Elliot.

Her Majesty's ship "Wolverine," at sea,
SIR, *Lat.* 4° 31′ *N., long.* 6° 28′ *W. April* 3, 1840.

I HAVE the honour to inform you that the following French vessels of war have been fallen in with by me.

"*La Malonne,*" brig, Lieutenant Commander Bonet, at Accra; "*La Rachel,*" colonial schooner of war, Ensign Court-Coumet, at Sierra Leone.

That the French Commodore Montaignes de la Roque, and lately in the Bights, and in the River Gaboon, and that "*La Fine,*" French brig of war, and the French brig of war "*La Cigale,*" "*La Belette,*" "*L'Aigle d'Or,*" and "*L'Erèbe*" steamer, French colonial vessels of war, are on the coast of Senegal.

I have, &c.

(Signed) WILLIAM TUCKER, (*b*)
Commander.

Rear-Admiral Elliot,
&c. &c.

Sixth Enclosure in No. 250.

Commander Tucker to Rear-Admiral Elliot.

Her Majesty's ship "Wolverine," at sea,
SIR, *Lat.* 4° 49′ *N., long.* 4° 22′ *W. April* 9, 1840.

WITH reference to the 6th clause of the 10th Article of the Treaty of Spain, of the 28th of June, 1835, I have the honour to inform you that I boarded the brig "Freedom," of Bristol, on the 8th instant, John Farr, master, Richard and William King, owners, who could not produce the Custom-house certificate that the owners had entered into a bond that the casks and packs on board were intended to carry palm-oil.

I have, &c.

(Signed) WILLIAM TUCKER, (*b*)
Commander.

Rear-Admiral Elliot,
&c. &c.

Seventh Enclosure in No. 250.

Commander Tucker to Rear-Admiral Elliot.

Her Majesty's ship "Wolverine," at sea,
SIR, *Lat.* 4° 27′ *N., long.* 2° 13′ *W. April* 11, 1840.

WITH reference to the 6th clause of the 10th Article of the Treaty of Spain, of the 28th of June, 1835, I have the honour to inform you that I boarded the brig "St. George," belonging to the West African Company, London, on the 10th instant, John White, master, who could not produce the Custom-house certificate that the Company had entered into a bond that the casks and packs on board are intended to contain palm-oil.

I have, &c.

(Signed) WILLIAM TUCKER, (*b*)
Commander.

Rear-Admiral Elliot,
&c. &c.

Eighth Enclosure in No. 250.

Commander Tucker to Rear-Admiral Elliot.

Her Majesty's ship "Wolverine," at sea,
SIR, *Lat.* 3° 35′ *N., long.* 4° 40′ *E. April* 23, 1840.

I HAVE the honour to inform you that I this day boarded, about noon, the merchant-barque "Bombay Packet," of Liverpool, C. and J. B. Horsfall, owners, Charles Came, master; and I beg to call your attention to the following statement, and to request you will be pleased to apply to my Lords Commissioners of the Admiralty, to represent to the owners of the said barque the serious evil attending such proceedings on the part of their master on the station (which requires all the attention, forethought, and energy of the commanders of the cruizers to suppress the inhuman traffic in slaves), that, by such wantonness or foolish stubbornness on the part of the said master, Her Majesty's ships and vessels may not unnecessarily be taken out of their way, by which opportunities may be given for slave-vessels to escape.

A little before daylight of this morning a barque was seen on this sloop's port or lee-bow, apparently close to, when the course was immediately altered and sails trimmed for her. When broad daylight, the ensign and pendant were hoisted, and a blank cartridge fired from the chase-gun (9lb.). At 5h. 45m, a shot was fired a-head of her, to neither of which was any attention paid, when all possible sail was made in chase. The wind gradually fell light, and about 10 A.M. a calm, when I sent Lieutenant Levinge away to board her. After the boat had left some time the barque hoisted English colours; and another vessel was seen from our mast-heads, bearing about south-south-east, and for which I was prevented making sail—a breeze having in the mean time sprung up—until the return of the boat. The only excuse that the master made for not shortening sail was, that he did not know what this vessel was, although the ensign and pendant were flying, two guns fired, and a look-out man at each mast-head. The consequence of his conduct was, that this sloop was taken four points from her course and about twelve miles to leeward, by which she was taken away from the vessel seen, now dead to windward, and from the probability of examining her, in consequence of its being now too late in the day, P.M.

I cannot conceive, Sir, that any respectable owners of the present day, when the country is put to such an enormous expense for the suppression of the Slave Trade, will sanction the masters of their vessels in such foolish conduct as drawing from their station or course Her Majesty's cruizers (obliged to board and examine every vessel strictly), particularly now, as several English vessels are said to be engaged in the Slave Trade.

I have, &c.
(Signed) WILLIAM TUCKER, (*b*)
Commander.

Rear-Admiral Elliot,
&c. &c.

No. 251.

Mr. Fox to Viscount Palmerston.

Washington, March 9, 1841.
MY LORD; (*Received April* 1.)

I REJOICE to inform your Lordship that the long-pending cause of the African negroes, found on board the Spanish ship "*Amistad,*" was this day finally decided in favour of the negroes, by a judgment of the Supreme Court of the United States, now in session at Washington.

By this decision the negroes are declared to be free men, and all claim against them, whether on the part of the Spanish Minister, or of the pretented Spanish owners, is dismissed. The negroes will be immediately set at liberty in the State of Connecticut, where they have hitherto been detained in custody waiting the event of the trial.

I have the honour herewith to enclose copies of a correspondence upon the subject of the negroes of the "*Amistad,*" which took place between the United States Secretary of State, Mr. Forsyth, and myself a few weeks since. Fortu-

nately all further interference in the case on the part of Her Majesty's authorities, either in America or in Spain, is now rendered unnecessary by the just and virtuous decision of the Supreme Court of the United States.

I have, &c.

(Signed) H. S. FOX.

The Right Hon. Viscount Palmerston, G.C.B.,
&c. &c. &c.

First Enclosure in No. 251.

Mr. Fox to the Hon. John Forsyth.

SIR, *Washington, January* 20, 1841.

I AM instructed to represent to you that the attention of Her Majesty's Government has been seriously directed to the case of certain African negroes, found on board the Spanish ship "*Amistad*," the same persons whose cause has been brought before the courts of law of the United States, and for whom a powerful and humane interest appears to be felt in this country as well as in England.

It is known to Her Majesty's Government that these negroes were imported into Cuba direct from the Coast of Africa, in a Portuguese slave-vessel called the Teçora, in the summer of 1839; and that shortly after their arrival they were purchased as slaves at the Havana, by two Spaniards, of the names of José Ruiz and Pedro Montez. Ruiz and Montez then placed the negroes on board the Spanish schooner "*Amistad*," intending to convey them to another port in Cuba. It appears that duriug the voyage the negroes, with a view of recovering their liberty, seized possession of the vessel, put the master to death, and ordered the remaining whites to navigate the vessel to the coast of Africa. The whites, however, directed their course towards North America, until they were fallen in with by the United States brig-of-war "*Washington*," when the "*Amistad*" was finally brought into the port of New London, in Connecticut. The proceedings which have taken place subsequently to the arrival of the negroes in the United States are sufficiently well known to you.

Now, Her Majesty's Government have to observe, that since the year 1820 it has become unlawful, according to the law of Spain, to import negroes from Africa as slaves into the Spanish dominions; and that, as the negroes here referred to had been newly imported from Africa into Cuba, and could not, by law, be imported as slaves, they must, in the eye of the law, be considered as free persons.

And Great Britain is also bound to remember, that the law of Spain, which finally prohibited the Slave Trade throughout the Spanish dominions, from the date of the 30th of May, 1820 (the provisions of which law are contained in the King of Spain's Royal Cedula of the 19th of December, 1817), was passed in compliance with a treaty obligation to that effect, by which the Crown of Spain bound itself to the Crown of Great Britain, and for which a valuable compensation, in return, was given by Great Britain to Spain; as may be seen by reference to the 2nd, 3rd, and 4th articles of a public Treaty concluded between Great Britain and Spain on the 23rd of September, 1817.

Her Majesty's Government, therefore, are moved by special and peculiar reasons to take an interest in the fate of these unfortunate Africans, who are known to have been illegally and feloniously reduced to slavery by subjects of Spain.

It is next to be observed, that Great Britain and the United States have mutually engaged themselves to each other, by the 10th article of the Treaty of Ghent, to use their best endeavours for the entire abolition of the African Slave Trade. And there can be no doubt of the firm intention of both parties religiously to fulfil the terms of that engagement.

Now, the unfortunate Africans whose case is the subject of the present representation have been thrown by accidental circumstances into the hands of the authorities of the United States; and it may probably depend upon the action of the United States Government whether these persons shall recover the freedom to which they are entitled, or whether they shall be reduced to slavery, in violation of known laws and contracts publicly passed prohibiting a continuance of the African Slave Trade by Spanish subjects.

It is under these circumstances that Her Majesty's Government anxiously hope that the President of the United States will find himself empowered to take such measures in behalf of the aforesaid Africans as shall secure to them the possession of their liberty, to which, without doubt, they are by law entitled.

I avail myself, &c.
(Signed) H. S. FOX.

The Hon. John Forsyth,
&c. &c. &c.

Second Enclosure in No. 251.

The Hon. John Forsyth to Mr. Fox.

Department of State, Washington,
February 1, 1841.

SIR,

I HAVE the honour to acknowledge the receipt of your letter of the 20th ultimo, in which you state that you are instructed to represent to me that the attention of Her Majesty's Government has been seriously directed to the case of the negroes of the Spanish ship "*Amistad,*" with the anxious hope that the President of the United States will feel himself empowered to take such measures in their behalf as will secure to them the possession of their liberty.

Viewing this communication as an evidence of the benevolence of Her Majesty's Government, under which aspect alone it could be entertained by the Government of the United States, I proceed, by direction of the President, to make, in reply, a few observations suggested by the topics of your letter. The narrative presented therein of the circumstances which brought these negroes to our shores is satisfactory evidence that Her Majesty's Government is aware that their introduction did not proceed from the wishes or directions of the Government of the United States. A formal demand having been made by the Spanish Minister for the delivery of the vessel and property, including the negroes on board, the grounds upon which it is based have become the subject of investigation before the judicial tribunals of the country, which have not yet pronounced their final decision thereupon. You must be aware, Sir, that the Executive has neither the power nor the disposition to control the proceedings of the legal tribunals when acting within their appropriate jurisdiction.

With regard to other considerations presented by you in behalf of the negroes of the "*Amistad,*" I have to remark that it is not understood that the facts upon which they are founded are admitted by the Minister of Her Catholic Majesty, and this Government would with great reluctance erect itself into a tribunal to investigate such questions between two friendly Sovereigns. If, however, these facts are established, they cannot be without their force and effect in the proper time and place. You have doubtless observed, from the correspondence published in a Congressional document, that it is the intention of the Spanish Minster to restore these negroes, should their delivery to his Government be ordered, to the island of Cuba, whence the vessel in which they were found sailed; where they will be placed under the protection of the Government of Spain. It is there that questions arising under the Spanish laws and the Treaties of Spain with Great Britain, may be appropriately discussed and decided, and where a full opportunity will be presented to the Government of Her Majesty the Queen of Great Britain to appeal to the Treaty stipulations applicable to the subject of your letter.

I avail, &c.
(Signed) J. FORSYTH.

Henry S. Fox, Esq.,
&c. &c.

No. 252.

Viscount Palmerston to Mr. Fox.

Foreign Office, April 15, 1841.

Circular sending Treaty with the Argentine Confederation.

(See No. 1.)

No. 253.

Mr. Fox to Viscount Palmerston.

Washington, March 15, 1841.
(Extract.) (*Received April* 16.)

I HAVE the honour herewith to enclose copies of various correspondence between Her Majesty's Consul at Boston and myself, upon the subject of the American vessel "*Tigris*," which vessel was detained on the coast of Africa by one of Her Majesty's cruizers, and sent into the port of Boston to be delivered over to the judicial authorities of the United States, charged with a violation of the United States laws, by engaging in the illicit traffic of slaves.

I also enclose copies of some official correspondence upon the subject of the same vessel, which passed between the United States Secretary of State, Mr. Forsyth, and myself, a short time previously to his retirement from office.

The vexatious and vindictive suits at law instituted in the Courts at Boston against Mr. Jackson, the British officer in charge of the detained vessel "*Tigris*," which form a principal subject of Mr. Grattan's communications to me, are not yet terminated. When the decision of the Courts upon these prosecutions has been pronounced, I shall have the honour of submitting some observations upon the subject to Her Majesty's Government.

Your Lordship will perceive, that in Mr. Forsyth's letter to me, herewith enclosed, dated the 1st of March, a direct demand is made upon Her Majesty's Government to forbid and prevent for the future the detention, by Her Majesty's cruisers, of American vessels charged with slave-trading. Mr. Forsyth's letter was delivered to me the day before he quitted the Government. I have verbally informed his successor in office, Mr. Webster, that I would duly forward the correspondence to Her Majesty's Government.

I find, by reference to a letter from Lord Leveson to the Secretary of the Admiralty, dated February 8, enclosed in your Lordship's Despatch to me, marked Slave Trade, of February 9, that, with reference to the case of the "*Tigris*," Her Majesty's Advocate-General had already reported it to be his opinion, that Her Majesty's naval officers should be instructed to abstain from capturing American vessels engaged in Slave Trade; and that your Lordship had suggested to the Lords of the Admiralty the expediency of giving instructions to Her Majesty's naval officers in conformity with that opinion. I have not considered this information, incidentally transmitted to me, as sufficient authority whereon to ground an official answer to Mr. Forsyth's letter of the 1st of March; but I shall, in the mean time, probably find some suitable occasion of informally acquainting the new Government at Washington, that the acts of which the Americans appear so much inclined, although unreasonably, to complain, are not likely to be repeated.

First Enclosure in No. 253.

Mr. Consul Grattan to Mr. Fox.

Her Majesty's Consulate, Boston,
SIR, *January* 18, 1841.

ON the 31st of last month I had the honour of transmitting to you by post a letter from Lieutenant Matson, of Her Majesty's brig "Waterwitch," delivered to me the preceding afternoon by Midshipman Jackson of that ship, who was sent to this country in charge of the American merchant vessel "*Tigris*," of the port of Salem, in the State of Massachusetts. Not having received any acknowledgment of my letter, and being consequently deprived of the advantage of your advice as to my conduct in this affair, I have acted in it to the best of my judgment up to this time; but as it now begins to assume a somewhat complicated aspect, and may involve questions of serious importance, I must again beg leave to draw your attention to it, and I request you will favour me with your opinion on the circumstances which have already occurred, and as to the course which it may be now advisable to pursue.

The "*Tigris*" having been duly delivered into the custody of the District Court by Mr. Jackson, two examinations of her captain and crew took place before Judge Davis, the result of which was, that Captain Frye and his mate were held to bail for appearance for trial in the month of May next, on the demand of the United States' District Attorney for this State; and Mr. Jackson is bound in his own recognizance in the sum of 500 dollars, to appear at the same time as a witness in behalf of the United States' Government.

The next step taken was the filing of a libel by Mr. Jackson's counsel against the "*Tigris*" and her cargo, on behalf of Lieutenant Matson as the informer, and a demand of forfeiture of the whole. In this proceeding of civil action the United States' Government co-operates, being, in case of success, entitled to one-half of the proceeds, the other half to go to the informer. The owners of the vessel have put in an objection to action being admitted on the libel, and the motion for showing cause is to be argued before Judge Davis, on Monday next, the 25th instant.

So far the proceedings had advanced, when on Saturday evening last, the 16th, at 6 o'clock, I received a note from Mr. Jackson, informing me that he had been just then arrested by the deputy-sheriff, on four separate actions of trespass, brought against him by as many of the sailors of the crew of the "*Tigris*," that he was in custody of the deputy-sheriff at his office, and requesting to hear from me. I immediately went to him, and found that the damages in each action were laid at 1000 dollars, the return of the writs being for the first week in March, and the cause of complaint, an alleged trespass on the part of Mr. Jackson and eight others not named (but being Lieutenant Matson and sailors of the "Waterwitch,") for having boarded the "*Tigris*" off the coast of Africa, taken the complainants on board the "Waterwitch," and subsequently transported them prisoners to the United States.

The *animus* of this proceeding is evident. The action is not brought by the owners, the only persons aggrieved, supposing the seizure to be an illegal one, but by sailors, who in no possible way suffered any damage at all. They were not sent home as prisoners, they were not deprived of their liberty, or wages, or property of any kind. The sum of 1000 dollars claimed by each is of excessive amount; and as the legal regulation for bail in such a case requires two sureties, each possessing property in this county of Suffolk to the whole amount claimed, the consequence intended by the arrest of Mr. Jackson late on Saturday was, that he should have been immediately put into gaol, to lie there till this day at least, as it could not be supposed he would be able to find bail for 8000 dollars at so short a notice, or, indeed, at all, as a stranger in this city, without any connexion or acquaintance in it to whom he could apply in such a case. The deputy-sheriff, however, accepted my security for Mr. Jackson's appearance at 12 o'clock this day, and I signed bail-bonds for 4000 dollars to that effect.

In the course of Saturday night and yesterday I took legal advice on the best mode of proceeding, and the result has been the issuing of a writ of *Habeas Corpus* this day, for the purpose of claiming, before a Judge of the Court of Common Pleas, (whence the writs at the suit of the four seamen have issued,) a reduction of the amount of bail required, on the ground of the damages laid being excessive. Until this question of the amount of bail is definitively settled by the judge, the deputy-sheriff has consented to allow Mr. Jackson to remain at liberty on my security, he appearing at the sheriff's office from day to day. When the amount of bail is decided on, he must be committed, unless satisfactory bail can be procured, and I am not prepared to say that individuals here will be voluntarily forthcoming for that purpose.

In the mean time, I learn by the papers this morning, that a second vessel, the "*Seamew*," belonging to the same owners as the "*Tigris*," Messrs. Brookhouse and Hunt, of Salem, (who have assuredly been the instigators of this vexatious proceeding against Mr. Jackson,) has been seized on the coast of Africa by a British cruiser, and sent to St. Helena.

I have, &c.
(Signed) T. C. GRATTAN.

H. S. Fox, Esq.,
&c. &c.

Second Enclosure in No. 253.

Mr. Consul Grattan to Mr. Fox.

Her Majesty's Consulate, Boston,
January 23, 1841.

SIR,

I HAVE not yet received an acknowledgment of the receipt of my letter of December 31, enclosing Lieutenant Matson's, but I hope that it, as well as my second letter on the same subject, the affair of the "*Tigris*," dated the 18th instant, safely reached you.

On Thursday last, the 21st, Mr. Jackson was brought before the Judges of the Supreme Court on the writ of *habeas corpus*, and was, while the case was argued, arrested by the Deputy Sheriff on four additional writs for actions of trespass, at the suit of the captain (damages laid at 5000 dollars), the mate (damages laid at 2000 dollars), and two more of the seamen (damages laid at 1000 dollars each), making altogether eight suits, and a total amount of 13,000 dollars damages.

Seeing the importance of the case, I had previously engaged the Attorney-General of the State, Mr. Austin, to assist Mr. Hillard (the counsel employed by Mr. Jackson) in arguing the case; having previously expressed my opinion to the United States' District Attorney, Mr. Mills, that he was called upon to claim the protection of the Court for Mr. Jackson, on the ground of his being detained here, solely for the purpose of his giving his testimony as a witness, bound over in his own recognizance on the part of the United States' Government in the criminal prosecution instituted by Mr. Mills against the master and mate of the "*Tigris*," and entitled to the usual amount per diem paid to witnesses. Mr. Mills, however, declined, not having, he said, yet received any answer to his communication to the Attorney-General at Washington, relative to the previous proceedings, or instructions for his further conduct.

The enclosed report from the "Morning Post" of yesterday gives an abstract of the proceedings before the Judges, but does not do justice to the forcible (and it seemed to almost every one convincing) reasoning of the Attorney-General while demanding the discharge of Mr. Jackson.

I may also mention that I particularly guarded against any misconception of the motives for my becoming personally responsible for Mr. Jackson's appearance yesterday, when the decision of the Court as to the amount of bail was to be given. I stated that I did so merely in my individual capacity to prevent Mr. Jackson being sent to gaol, but explained that the British Government were not to be considered in any way compromised in this transaction, which, as far as I understand it, is as yet an affair entirely between Lieutenant Matson, commander of the "Waterwitch," the United States' Government, and the owners of the "*Tigris*."

The decision of the Court was yesterday morning pronounced by Chief Justice Shaw. It was that Mr. Jackson's claim for protection as a witness was refused; and that he was held to bail in two sureties, each for the gross amount of 2500 dollars; that is to say, 4000 on the demand of the captain, 700 on that of the mate, and 300 each on that of the six sailors.

I may add that this decision gave great surprise to many of the most respectable members of the bar, and to the citizens of Boston generally. A strong feeling of sympathy is excited for Mr. Jackson. Several gentlemen came forward to become bail for him, and four signed the bail-bonds for his appearance to answer the decision of the jury before whom the actions for damages may be tried.

You will perceive the situation in which Mr. Jackson stands, and his claims for countenance and protection on the part of the British Government. He has, as far as I can make myself acquainted with the facts, conducted himself throughout in the most creditable manner, and is deserving of the strongest recommendations.

The question of the libel against the "*Tigris*" will be argued before Judge Davis in the District Court on Monday next, the 26th instant, and Mr. Jackson will now probably be advised to prosecute the sailor who violently and treacherously assaulted and nearly killed him, by a blow on his head from behind, during

the voyage from the coast of Africa to Salem. It may be remarked, that when Mr. Matson placed Mr. Jackson and his men on board the "*Tigris*" to navigate her to this port, he did not allow them to take any arms whatever, with the exception of Mr. Jackson's sword.

I will inform you of the result of the argument on Monday next.

I have, &c.
(Signed) T. C. GRATTAN.

H. S. Fox, Esq.,
&c. &c.

Third Enclosure in No. 253.

Extract from the Boston "Morning Post" of January 21, 1841.

THE "TIGRIS" AFFAIR.—Habeas Corpus.

AT twelve o'clock yesterday, Chief Justice Shaw, and Judges Putnam and Dewey, met in the Supreme Court Lobby, to hear the counsel on the writ of *habeas corpus* in behalf of Midshipman Jackson, prize-master of the Salem brig "*Tigris*," and held to bail on civil suits for trespass and false imprisonment by four of the crew of the "*Tigris*," and also on similar suits brought by Captain Frye of the "*Tigris*," for 5000 dollars, and Mr. Burnham, mate, for 2000 dollars. The whole amount of bail demanded is 13,000 dollars. Counsel for Mr. Jackson, Mr. Austin, Attorney-General, and Mr. Hillard ; for the respondents to the writ of *habeas corpus*, Messrs. Ward, of Danvers, and Perkins, of Salem.

Mr. Hillard opened the argument by stating, in the first place, that Mr. Jackson, in acting under the orders of his superior officer, Lieutenant Matson, whom he was bound to obey, was not responsible, even if a trespass had been committed upon the officers and crew of the "*Tigris*," but that the British Government was responsible. Secondly, that the plaintiffs could have suffered no pecuniary loss by having been brought back to Salem, as there was no authority to show that they were not fully entitled to their wages for the whole voyage. Thirdly, if they should ultimately make it appear that they could not recover wages, their loss could not possibly be a tenth part of the damages alleged—1000 dollars a-piece—and therefore the bail demanded was excessive, and such as it was not to be supposed could be furnished by a young officer of the rank of a midshipman, whose pay is only 32*l.* per annum, and who is an entire stranger in this country ; and fourthly, that Mr. Jackson is now a resident in this State, under the protection of the United States' Court, as a witness, under recognizance to appear at the next circuit against Captain Frye and mate, on a criminal prosecution. Further than this, a libel had been filed against the "*Tigris*" as a lawful prize, and a monition had issued, requiring the owners to appear at the District Court, to show cause, if any, why process on the libel should not issue; and that at the hearing on said monition, Mr. Jackson must necessarily be a witness.

Mr. Ward, in reply, said that the plaintiffs had suffered great hardships, the sailors had been seized by a boarding officer and armed force, and imprisoned on board the "Waterwitch" ten days, before they were placed under the custody of Mr. Jackson, who had still further kept them prisoners on board of their own vessel for 80 days, till their arrival at Salem, when they were permitted to go at large. They were, therefore, entitled to redress, beyond the mere measure of wages which may have occurred. He said he would admit, however, that some reduction of bail on their actions might be made. Not so, however, on the part of the officers, who had, beside imprisonment, in the nature of restraint, suffered indignity by being deposed of their lawful rank and authority on board of their own vessel. They had also lost the benefit of commercial adventures in which they had lawfully engaged on the coast. The captain had advanced 3500 dollars to traders there for their produee, which Lieutenant Matson would not allow him to wait and receive, nor even allow him to go on shore to make arrangements for the security of the property engaged, and cause it to be shipped to him in some other vessel. He had only an opportunity to leave some written directions for the captain of the "*Seamew*," who was expected to touch at Ambrise, and might have an opportunity to look after the property he had contracted for ; but by the last news from Africa, it appeared

that the "*Seamew*" had been seized and taken into Sierra Leone by a British cruiser. True, she had been discharged, but it was not likely that she proceeded thence to Ambrise, but in all probability made sail for the United States. It was, therefore, perfectly clear that Captain Frye was exposed to a severe pecuniary loss by the seizure of the "*Tigris*" and arrest of himself. The mate, too, had an adventure to the amount of 300 dollars, on which he might reasonably calculate upon realizing a great profit, but which he was not allowed to take on board.

With regard to the responsibility of Mr. Jackson, Mr. Ward maintained that the seizure was illegal, and therefore a trespass by Lieutenant Matson; and that Mr. Jackson, who acted under his orders, was liable in the same manner as a deputy-sheriff who makes a seizure upon the authority of the sheriff. If Lieutenant Matson were here, the plaintiff would look to him and not to Mr. Jackson for damages; but as it was, they were justified in holding him as the only one of the co-trespassers within the reach of civil process. If the suits prevailed against Mr. Jackson, Mr. Ward said he had too high an opinion of the honour of the other British officers interested with him, to suppose that they would allow him to suffer the whole consequences of the seizure. He did not believe that the British Government would allow him to be a sufferer, through the wrong acts of his commander, whose orders he had obeyed. Mr. Ward reiterated that the plaintiffs were compelled by the necessity of the case to proceed against Mr. Jackson, for it was impossible for them to go to England and prosecute Lieutenant Matson.

Upon the question of protection as a witness, Mr. Ward said he had great doubts whether Mr. Jackson came within the rule. When he was arrested he was here voluntarily, waiting for the furtherance of his own interest in the condemnation of the "*Tigris*," at the suit of Lieutenant Matson, and that he would be entitled to a share of the prize-money; and beyond this he had received no writ of protection from any Court as a witness, agreeably to the provision of the Revised Statutes, or even if he were a witness, he was only held on his own recognizance, and therefore it was entirely voluntary on his own part if he remained here. He might have returned to England in the British steamer on the 2nd of January if he saw fit; but he concluded it would be for his interest to remain and await the result of the judicial proceedings in reference to the whole matter.

Chief-Justice Shaw and Judge Dewey incidentally remarked that the fact of being a witness could be proved otherwise than by a writ of protection. The protection was only an instrument to be exhibited to an officer by a party against whom he might hold process, and the exhibition of such protection would be a sufficient protection to the officer against a suit for omitting to arrest such party. Beyond this the writ had no force; and it was competent for a witness to prove the same in bar of an arrest in various other ways. If a person should obtain a writ of protection which he was not entitled to, it would not avail him if it could be proved.

Mr. Austin, in opposition to Mr. Ward, said that there could be no pretence for vindictive damages in the case, even if a technical trespass had been committed, and therefore the bail, if any, should only be nominal. If the "*Tigris*" had been unlawfully seized by a British cruiser, the United States' Government was the proper authority to seek redress of the British Government; and such American citizens as had been injured by the conduct of Lieutenant Matson would have just claims upon the United States for indemnity. Utterly unlike the case of M'Leod in New York, the case of the "*Tigris*" was entirely beyond the jurisdiction of the State Court. Mr. Jackson had brought with him his written orders from his superior officer, who again was to be presumed to be acting under the orders of his Government. The "*Tigris*" had been seized and sent to the United States upon the suspicion that she had been engaged in the Slave Trade, an inhuman traffic which the United States had pledged its faith to endeavour to abolish, and passed solemn laws against the citizens of the United States engaging in it. Under that law (statute 1800) Mr. Jackson was sent to this country, as an agent, to assist the United States' Government to break up the nefarious trade; and he would have been a fool, and unworthy of his commission and the respect of all men, if he had returned to his vessel on the coast of Africa or to England, and ran the risk of not arriving in the United States in time to be a witness in the Circuit Court in May next.

Mr. Austin cited a few authorities—Phillips, Dallas, and Term Reports—to show the extent of protection given to witnesses against arrest on civil processes; and concluded by stating, that if Mr. Jackson had not entered into recognizance before Judge Davis, on the criminal complaint against Captain Frye and mate, the judge would have the power to keep him in gaol till the trial in May. He concluded by stating that the plaintiffs might proceed on their suit and recover judgment against Mr. Jackson without holding him to bail, without suffering any loss, for, if they recovered ever so large an amount of damages against him personally, he had no property to answer the judgment.

Chief-Justice Shaw said, if the case could be left in the same position as it then stood, (that is, if Mr. Deputy-Sheriff Coburn were content to take Mr. Grattan as responsible for the 13,000 dollars for Mr. Jackson's appearance), his colleagues and himself would prefer to postpone the decision till this morning.

This suggestion was adopted by consent of all parties; Mr. Grattan wishing to be understood as acting in his individual, and not in his official, capacity.

Fourth Enclosure in No. 253.

Mr. Fox to Mr. Consul Grattan

(Extract.) *Washington, January* 26, 1841.

Being much engaged with other correspondence, I shall do no more at this moment than thank you for your three communications upon the subject of the ship "*Tigris*," which I have duly received; the last dated the 23rd instant. You appear to me to have acted quite properly and judiciously in the business. In a few days' time I shall address you some further observations in relation to the proceedings at law instituted against Mr. Jackson. In the mean time you will of course not fail to transmit to Her Majesty's Government at home, by the earliest opportunity, a detailed account of all that has occurred; and I should recommend that Mr. Jackson should address the same without delay to the department of the Admiralty.

Fifth Enclosure in No. 253.

Mr. Consul Grattan to Mr. Fox.

Her Majesty's Consulate, Boston,

(Extract.) *January* 29, 1841.

I was this day favoured with your Letter of the 26th instant, and I shall be very glad to receive your promised communication on this affair of Mr. Jackson and the "*Tigris*," which every day becomes more intricate, and, in my opinion, more important.

The arguments for and against the filing of the libel, and the consequent issuing of process, or a refusal to issue it by the District Court, have occupied four days during this week. A wide field of discussion has been entered on on questions of international law, personal responsibility, and the construction of the legislative enactments against the Slave Trade by Congress. I greatly regret that those proceedings before Judge Davis have not been reported in any of the papers, for it is impossible for me to give you a satisfactory abstract of them. I have constantly attended in Court, and taken care that there should be no mistake or misstatement as to the position of the British Government, or the honour and interests of Her Majesty's officers and seamen in this matter.

The immediate questions on which Judge Davis is to pronounce his decision on Tuesday next, the 2nd of February, are:—

First. Shall Mr. Matson (represented by Mr. Jackson) be allowed to file libel against the vessel and cargo?

Secondly. In case he be allowed to file the libel, shall he be obliged to stipulate (the technical phrase for finding security) for the respondents' costs, which he would be liable to pay, in case of ultimate failure of the proceedings instituted against the "*Tigris*" and her cargo?

Thirdly. Shall he be obliged to stipulate for damages, to be proceeded for

by the respondents (Messrs. Brookhouse and Hunt), in case of failure of the proceedings instituted against the vessel and cargo?

Most strenuous arguments have been put forward against the first of those propositions, and in favour of the latter two, by Messrs. Choate and Perkins, counsel for the owners.

The Attorney-General (Mr. Austin) and Mr. Hillard have ably and eloquently pleaded in an opposite sense on behalf of Mr. Matson, the officers and crew of the "Waterwitch."

I cannot anticipate the decision of the Court; but I presume it probable that Judge Davis will allow the libel to be filed, requiring Mr. Jackson to stipulate for the respondents' costs, in case of the failure of proceedings against them, and which may amount to 500 dollars, more or less.

To grant the respondents' demand that the informer should stipulate for damages, unascertained and scarcely to be calculated with anything like precision, would be to quash the proceedings altogether. Messrs. Brookhouse and Hunt would, no doubt, lay their damages at an excessive amount, 30,000 or 40,000 dollars perhaps; and Mr. Jackson could not possibly find sureties here to that amount for this object; gentlemen who gave bail for his personal appearance, feeling that it would have been a disgrace to the city of Boston had he been allowed to go to prison on the actions so shamefully brought against him, could not be expected to come forward on this question of liability to damages claimed by the owners of the vessel, as a consequence of the libel against her being filed.

I enclose you an extract from a newspaper which was published with the authority of Judge Putnam, and which bears out the opinion I gave in my Letter of the 23rd on the decision of the Supreme Court in Mr. Jackson's case.

I forward a detailed account of this affair to Her Majesty's Government, and Mr. Jackson reports the proceedings to the Admiralty.

Sixth Enclosure in No. 253.

Mr. Consul Grattan to Mr. Fox.

Her Majesty's Consulate, Boston,
February 3, 1841.

SIR,

I HAVE the honour to enclose a report of the decision pronounced by Judge Davis in the District Court yesterday, on the questions arising out of the filing of the libel against the "*Tigris*," the particulars of which were detailed in my letter of the 29th of January.

You will perceive that the judge not only requires an immediate stipulation for one thousand dollars, but reserves to himself the right of hereafter insisting on a further stipulation on the part of the libellant, in case new cause should appear for damages being demanded to a larger amount.

This is, in fact, admitting the right of the owners of the vessel to insist on security for whatever damages they can prove themselves to have sustained. Now there is no question but that they have sustained loss to a very much larger amount than one thousand dollars, let the present proceedings turn out as they may. And if it be ultimately decided that the seizure was a trespass, and that the measure will not be sustained by the United States' Government, considerable damages would certainly be awarded to the owners. It is, therefore, not to be expected that Mr. Jackson can find sureties to meet such a contingency; and, as I intimated in my last letter, the proceedings against the "*Tigris*" may be looked upon as quashed, and the seizors left exposed to the vindictive attacks of the owners, unless the United States' Government interposes to give a new colour to the affair.

Mr. Mills told me yesterday that he was still without any communication from Washington, and I scarcely hope that he will receive directions to interfere further before Friday next, the 6th, on which day the libel will be discharged, in default of Mr. Jackson finding the required sureties.

I will only further observe, that even if the libel be discharged from that cause, it is still open to the United States' Government to file another cause. And should the cargo be made away with in the mean time, the vessel is still there

to afford some compensation to the seizors in the event of a forfeiture, of which there can be little reasonable doubt should a prosecution go on.

I have, &c.
(Signed) T. C. GRATTAN.

H. S. Fox, Esq.,
&c. &c.

Seventh Enclosure in No. 253.

Mr. Fox to Mr. Forsyth.

SIR, *Washington, February* 5, 1842.

THE case of the American vessel "*Tigris*," recently carried into the port of Boston, in Massachusetts, in the care of a British officer and prize crew, and there delivered over to the judicial authorities of the United States, upon a charge of having been engaged in the illicit traffic of slaves on the coast of Africa, has, I believe, been duly brought to the knowledge of the United States' Government by the district attorney of the port of Boston. I have now received from Mr. Grattan, Her Majesty's Consul at Boston, the following information. It appears that the district attorney, Mr. Mills, acting in the case for the United States, did, at the commencement of the business, legally bind over Mr. Jackson, the British officer in charge, to appear as witness in the criminal prosecution of the master and mate of the "*Tigris*," for violation of the laws of the United States; thus sanctioning a *primâ facie* case against the "*Tigris*," and inducing and authorizing Mr. Jackson to file, as he has done, a libel against the vessel and cargo. But Mr. Mills has since desisted from all further co-operation in the prosecution, having both refused the request of the Consul that he should claim the protection of the Court for his own witness, Mr. Jackson, when arrested at the suit of the very parties he was bound over to prosecute, and having since declined to take any part in the civil suit, that is to say, in filing a libel against the vessel and cargo. Her Majesty's Consul, and the legal counsel employed by Mr. Jackson, are apprehensive that this conduct on the part of the district attorney of the United States, for which they are unable to account, will risk the failure of the ends of justice, and the loss of the civil action, which is instituted equally for the benefit of the United States as for that of the captors and informers. One effect of this want of co-operation has already been, that the owners of the "*Tigris*" are endeavouring to bind the British officer, Mr. Jackson, personally to give security, or, as it is technically expressed, to "stipulate" for damages to a large amount, in the event of the action failing; and this course, it seems, they would not have been able to pursue if the district attorney had duly borne his part in forwarding the civil prosecution.

I do not pretend to be accurately acquainted with all the legal points and considerations involved in the question; but as a just and full execution of the existing laws against the Slave Trade must be the object of all parties, I hope that it may be in the power of the United States' Government, upon a due examination of the matter, to give such instructions to the district attorney at Boston as may cause him to lend a more effectual aid in the prosecution.

I have, &c.
(Signed) H. S. FOX.

The Hon. J. Forsyth,
&c. &c. &c..

Eighth Enclosure in No. 253.

Mr. Consul Grattan to Mr. Fox.

Her Majesty's Consulate, Boston,
(Extract.) *February* 12, 1841.

THE libel against the "*Tigris*" was finally discharged on Saturday, the 6th, but, in order to gain a little more time to allow the United States' Government to act in the affair, notice was that day given in court by counsel that an appeal against the decision might probably be lodged; and, on that plea, time was granted until this day before the proceedings would be altogether at an end.

The captain and mate of the "*Tigris*" were held to bail by Judge Davis in

the District Court, for their appearance on a criminal charge, in the amount of 3000 dollars the first and 1500 dollars the second. Mr. Jackson was held to bail by the Supreme Court on a charge of trespass, which the Chief-Justice [Shaw] said could be but a technical one, at the suit of the same captain for 4000 dollars, at that of the mate for 700 dollars, and at the suit of six seamen for 600 dollars each, amounting in all to 6500 dollars.

Ninth Enclosure in No. 253.

Mr. Fox to Mr. Consul Grattan.

(Extract.) *Washington, February* 15, 1841.

I HEREWITH transmit to you the copy of a communication which I addressed to the United States' Government upon the subject of the conduct of their District Attorney at Boston, in the affair of the American ship "*Tigris*," in declining to co-operate with the captors in filing a libel against the vessel and cargo. I also enclose a copy of Mr. Forsyth's reply. It would appear from Mr. Forsyth's letter that the District Attorney had made hitherto no report to his Government upon the proceedings in regard to the "*Tigris*," and that the United States' Government will now wait for a reply to communications which they address to the District Attorney, before giving a definitive answer to my application. I think you will do well to have some further communication with the District Attorney; for if he can be induced to recommend to his Government the course which we desire for the due ends of justice should be followed, and that the United States' Government should think fit to instruct him accordingly, it is not, perhaps, yet too late to rectify the neglect that has been committed.

Tenth Enclosure in No. 253.

Mr. Forsyth to Mr. Fox.

Department of State, Washington,
SIR, *February* 10, 1841.

I HAVE the honour to acknowledge the receipt of your letter of the 5th instant, on the subject of certain proceedings connected with the case of the American vessel "*Tigris*," recently carried into the port of Boston, in the care, as you state, of a British officer and prize crew. No information relating thereto having been communicated to this department, a definitive reply cannot be given to your letter until all the facts have been obtained from the United States' Attorney in Boston, who will be written to immediately to transmit them. In the mean time it is presumed that, in an event so extraordinary as that of a vessel acknowledged to be American brought into an American port in the care of a British officer and prize crew, any failure to act by the District Attorney must have been occasioned by an opinion that his official interference was not required by the obligations of his public duty.

I avail, &c.
(Signed) JOHN FORSYTH.

H. S. Fox, Esq.,
&c. &c.

Eleventh Enclosure in No. 253.

Mr. Forsyth to Mr. Fox.

Department of State, Washington,
SIR, *March* 1, 1841.

BY the direction of the President of the United States I have the honour to transmit to you a copy of a letter from Mr. Mills, the United States' Attorney for the District of Massachusetts, on the subject of the "*Tigris*," an American vessel, brought into the port of Salem, under charge of a British officer and prize-crew; and to inform you that the explanation of the attorney is entirely satisfactory to the President. You will also receive herewith the

copy of a letter from the commander of Her Britannic Majesty's brig "Waterwitch," which was delivered to Mr. Mills in Boston. The President has seen from it, with great satisfaction, that Commander Matson, of the "Waterwitch," has acted in this matter without instructions from his Government, and upon his own responsibility only. With due consideration for the motives alleged for this extraordinary interference with an American vessel by a British ship of war, it is considered by the President his indispensable duty to call, through you, the attention of Her Majesty's Government to this act of Commander Matson, that it may be visited with such distinct reprehension as to prevent the repetition of a similar act by other officers in Her Majesty's service. The commanders of the ships of war of the United States on the coast of Africa are instructed not to molest any foreign vessels, and to prevent any molestation of American vessels by the armed vessels of any foreign nation. However strong and unchangeable may be the determination of this Government to punish any citizens of the United States who violate the laws against the African Slave Trade, it will not permit the exercise of any authority by foreign armed vessels in the execution of those laws.

I avail myself, &c.
(Signed) JOHN FORSYTH.

H. S. Fox, Esq.,
&c. &c.

Twelfth Enclosure in No. 253.

The Hon. J. Mills to Mr. Forsyth.

United States' District Attorney's Office,
Boston, February 22, 1841.

SIR,

I HAVE had the honour to receive your letter of the 12th instant, enclosing a copy of a communication recently received from the British Minister, in regard to my conduct as an officer of the United States in the case of the American vessel "*Tigris.*" The facts in the case are as follows:—

On the 30th of December, 1840, I received from the Clerk of the Court of this district a letter from Lieutenant H. J. Matson, commander of Her Britannic Majesty's brig "Waterwitch," stating that he had detained and sent t Boston the American brig "*Tigris.*" The original letter is herewith enclosed. The "*Tigris*" was brought into Salem by Midshipman Jackson, and a prize-crew of eight men. I made a complaint against the officers and crew of the brig, charging them with having knowingly served on board a vessel of the United States, employed in transporting slaves from one port to another. On this complaint a warrant was issued, and the officers and men brought before the District Judge for examination. The Judge, in the examination, discharged all but the master and mate of the brig, who were ordered to make their appearance at the Circuit Court, to be held in May next. The Judge also recognised Mr. Jackson to appear as a witness at the same. Here the proceedings against the master and mate rest till the case is brought before the Grand Jury in May. I have but little expectation that the evidence will be sufficient to convict them on the trial, should the Grand Jury find a Bill.

In regard to the brig and cargo, it was a grave question whether I should institute proceedings against them. The vessel was fitted out for a regular trading voyage to the coast of Africa; and there was not the least ground of suspicion that the owners intended she should be any way concerned in the transportation of slaves. And I was then, as I am now, satisfied, that the evidence in the case is not sufficient to condemn the brig, and in all probability would not be, even if a commission were sent to Africa to take the deposition of witnesses there. With this view of the case, I did not consider it my duty to file a libel against the brig and cargo. There was another consideration that probably had some influence on my mind in coming to this conclusion. It was the manner in which the brig was seized and sent home. I had serious doubts whether the act would be sanctioned by the President; and if not, the filing of the libel in behalf of the United States might, in some measure, embarrass the question.

I cannot say how far my proceeding against the master and mate operated upon Mr. Jackson to "induce him to file his libel;" but I told him immediately after

the examination that I should not libel the brig, and gave him my reasons as above stated. No application, however, was made to me, either by Mr. Jackson, the British Consul, or their Counsel, to file a libel till after their libel was filed in Court. When it was ascertained that the libellants would be required to stipulate for costs and damages, they applied to me to adopt the proceedings to relieve them from that embarrassment. This I declined doing, and, as I think, very properly. The same request was made by their Counsel yesterday; to which I replied in writing, that I should not file a libel in the case unless I was directed to do so by the department.

Mr. Fox also complains that the District Attorney has refused to protect his own witness. A few days subsequent to the examination before the District Judge, Mr. Jackson was arrested on several writs sued out from the State Courts, in behalf of the officers and men of the "*Tigris*." In the opinion of his Counsel, the amount of bail required was excessive; and they sued out a writ of habeas corpus, also returnable into the State Court, for the purpose of getting Jackson discharged, or the required amount of bail reduced. On the morning previous to the discussion of this question, Mr. Grattan called at my office, and requested me to protect Mr. Jackson, on the ground that he was under a recognizance as a witness. I told him that, in my opinion, I had no right to interfere in the business, and that if I did, it would be unavailing. But I added, if he or Mr. Jackson's Counsel could suggest any way in which I could protect him, I would do it with pleasure. I afterwards conversed with his Counsel upon the subject, and I understood them to concur with me in the opinion I had expressed to the Consul. This is a brief statement of the facts in the case, and I hope that my conduct will meet the approbation of the department.

I am, &c.
(Signed) JOHN MILLS,
United States' Attorney.

The Hon. J. Forsyth,
&c. &c.

Thirteenth Enclosure in No. 253.

Commander Matson to the Secretary or Registrar of either of the Circuit Courts of the United States.

Her Britannic Majesty's Brig "Waterwitch,"
off Angola, October 19, 1840.

SIR,

I HAVE the honour to inform you that I have detained, and sent to Boston, the American brig "*Tigris*," under the following circumstances:—

Having received information that she had a negro slave boy on board under suspicious circumstances, I boarded her while at anchor off Ambriz, on the 7th instant, and on my calling on the mate, who was in charge of the vessel, to account for the boy being there, he stated that he was received at St. Thomas, and was going with them to America; the master coming on board soon after, made the same statement, and produced a passport, which was evidently a false document. Finding that the boy did not understand a single word of either English or Portuguese, I disbelieved the story, and called on the crew, who all confirmed the master's statement. From the Kroomen I learned that he had lately been taken on board at Benguela; and on my asking the master if that were not the case, he boldly and confidently denied it.

I then placed an officer and six men on board the "*Tigris*," and proceeded to St. Paul de Loando (Angola) for the purpose of hearing the boy's statement through an interpreter. His deposition was taken before the Chief Judge of the city of Loando, through the medium of two sworn interpreters, and in the presence of several British and Portuguese naval officers, an attested copy of which I beg to enclose (A); by that it appears that he is a native of "Guilingues," near Benguela, from whence he was forcibly taken by the crew of the "*Tigris*." I then returned to Ambriz, and informed the master that I intended sending his vessel to America, on which he presented me the enclosed letter (B); in consequence of which letter I proceeded to Benguela, and procured the deposition of João Maria de Souza e Almeida, as well as attested copies of his correspondence with José de Castro relative to this boy (Enclo. C).

By these documents it appears that Castro sent a Nago slave to Benguela,

in the "*Tigris*," at which place he now is, a slave of Almeida's; and where he is likely to remain. It further appears that the boy "Hemé" was being transported in the "*Tigris*" from his own country to St. Thomas, in consequence of his having been sold to Castro, whose property he now actually is. The reason for this exchange or barter is known to all who are acquainted with the coast, viz., that foreign slaves are of much greater value than natives of any neighbouring place, who cannot be trusted at large, and are generally worked in chains to prevent their going "home" without leave, which is impossible for those who are brought from a great distance. The ultimate fate of the boy "Hemé" was, of course, uncertain: had he been sent in the "*Tigris*" to America, he might have been sold there, or he might have returned to St. Thomas; but it is evident that he would never have returned to his native country.

These, Sir, are my reasons for taking upon myself the responsibility of detaining the "*Tigris*;" but, in doing so, I find myself placed in a very delicate position, not having any orders or instructions to interfere with vessels belonging to citizens of the United States, whatever their employment might be; but having maturely weighed the bearings of this case, I feel it a duty which a British officer owes to the Government of the United States not to allow a crime, which our respective Governments have each declared to be piracy, to pass unnoticed. I have therefore sent the vessel (failing to meet a cruiser of the United States) to the port from whence she sailed, to be dealt with according to those laws which have been so glaringly violated.

I have, &c.

(Signed) H. J. MATSON,
Lieutenant and Commander of Her Britannic Majesty's Brig "Waterwitch."

No. 254.

Mr. Stevenson to Viscount Palmerston.

32, *Upper Grosvenor Street, April* 16, 1841.

MY LORD, (*Received April* 17.)

IT is with unfeigned regret that I have the honour of acquainting your Lordship that it has been made my duty again to invite the attention of Her Majesty's Government to the subject of the continued seizure and detention of American vessels by British cruisers on the high seas, and to express the painful surprise with which the Government of the United States have learned that the repeated representations which have heretofore been made on the subject have not only remained without effect in obtaining a favourable decision, but have failed to receive the attention which their importance merited. That a series of such open and unprovoked aggressions as those which have been practised for the last two or three years, by Her Majesty's cruisers, on the vessels and commerce of the United States, and which were made the subject of complaint, would have been permitted to have remained so long undecided, was not to have been anticipated. On the contrary, my Government had confidently expected that the justice of the demands which had been made would either have been acknowledged or denied, or satisfactory reasons for the delay adduced. This was to have been expected, not less from the justice of Her Majesty's Government than the respect which was due to that of the United States. Her Majesty's Government, however, have not seen fit to adopt this course, but have permitted a delay to take place of so marked a character as not only to add greatly to the individual injuries which have been sustained, but to become itself a fit subject of complaint. It is in this view that I have been specially instructed to make another appeal to your Lordship, and in doing so, to accompany it with four additional cases of seizure of American vessels on the African coast, of a character more violent and aggravated than those which I have before had the honour of presenting to the notice of Her Majesty's Government. These are the cases of the brig "*Tigris*," and ship "*Seamew*," of Massachusetts, and the barques "*Jones*," and "*William and Francis*," of New York.

For the more clear and satisfactory understanding of each particular case, I beg leave to refer your Lordship to the documents which I have received,

copies of which I have now the honour of transmitting. These papers require no comment. I shall therefore refrain from troubling your Lordship with a recapitulation of the details which they contain. The only inquiry which I presume it will be necessary to make will be this,—whether the vessels were the property of American citizens, under the protection of the flag of the United States, and were actually seized and detained by Her Majesty's cruisers. Now, of the national character of the four vessels, your Lordship will at once perceive that the evidence is conclusive. They were documented according to the laws of the United States, as the property of their citizens, and were under the protection of the American flag at the time of seizure. In the case of the "*Tigris*," she was not only literally captured, but sent with a prize crew, from the coast of Africa to the United States, for condemnation, upon the alleged ground of having on board an African boy, whom Lieutenant Matson chose to consider as sufficient evidence of her being engaged in the Slave Trade, and consequently liable to capture and condemnation. This he admits in a letter addressed by him to the officer of the Circuit Court of the United States, under date of the 19th of October, 1840, a copy of which will be found amongst the papers transmitted. Now I do not mean to enter into the discussion of the right of Her Majesty's officers to enforce the existing Treaties for the suppression of the Slave Trade against the vessels and citizens of the United States on the high seas. The subject has been too repeatedly urged upon the consideration of your Lordship and Her Majesty's Government, to render a recapitulation of the arguments either necessary or proper. The determination of the United States has been distinctly announced that they could admit no cognizance to be taken by foreign ships, of those belonging to their citizens, on the ocean, and under their flag, either for the purpose of ascertaining whether their papers were genuine or forged, or whether the vessels were slavers or not. That the admission of any such pretension would, in effect, be surrendering the right of search. This opinion, your Lordship will find, has been repeatedly made known to Her Majesty's Government, not only in the communications which I have had the honour of addressing to you, but in those of the Secretary of State to Mr. Fox, Her Majesty's Minister, and which doubtless were communicated by him for the information of his Government. It becomes my duty therefore again distinctly to express to your Lordship the fixed determination of my Government, that their flag is to be the safeguard and protection to the persons and property of its citizens, and all under it, and that these continued aggressions upon the vessels and commerce of the United States cannot longer be permitted. Nor is there in this course anything which can justly be considered as at all in conflict with the laws and policy of the United States on the subject of the African Slave Trade. In prohibiting, under the severest penalties, the participation of their citizens and vessels in that trade, there is no pretence for the exercise of a right of search on the part of foreign nations. The violation of the laws of the United States is a matter exclusively for their own authorities, and however sincere the desire of their Government may be, as in truth it is, to punish those of their citizens who participate in the trade, it cannot permit foreign nations to interfere in the enforcement of their penal laws. Yielding, as the United States readily do, to other nations the undoubted and full exercise of their sovereign rights, their own dignity and security require the vindication of their own. For the abolition of the Slave Trade, the United States have adopted such measures as were deemed most efficacious and proper. If they have not been such as Her Majesty's Government wished to have seen adopted, it may be cause for regret, but not for intervention. Each nation must be left to judge for itself; each be the arbiter of its own justice. This, it is needless to remind your Lordship, is an essential right of sovereignty, which no independent nation will consent to yield to another. It should also be borne in mind that in making the Slave Trade piracy, the Government of the United States have not thereby made it an offence against the law of nations, inasmuch as one nation cannot increase or limit offences against the public law. Reluctant then as the United States must always be to take any course which, in the opinion of Her Majesty's Government, might have the effect of throwing obstacles in the way of the total abolition of this inhuman and detestable traffic, it can never consent, even for such a purpose, to allow foreign vessels the right of entering or searching those of the United States, or violating the freedom of her flag.

I have accordingly been instructed to bring this subject again under your

Lordship's notice, and to express the confident expectation of my Government that these outrages upon the vessels and property of its citizens, by Her Majesty's naval officers, will not only be disavowed by Her Majesty's Government, and the individuals concerned in their perpetration punished, but that ample redress for the injuries sustained will be made with as little delay as possible. In making this appeal, I need not again remind your Lordship of the length of time which has elapsed since many of these cases were presented, or how repeatedly and earnestly they have been pressed upon the consideration of Her Majesty's Government. It must now be apparent, that neither the dignity of the Government of the United States, nor the duty which it owes its citizens, can justify any further delay in their final disposition. Indeed, such continued and unprovoked aggressions upon the rights and persons of American citizens, so contrary to every principle of common justice and right, and in violation of all the principles of public law, is becoming a matter of so much importance as to involve considerations of the deepest interest to both Governments, and cannot fail, if longer delayed, to interrupt the amicable relations of two countries, which it is so much the desire and interest of both Governments to cultivate and preserve.

I pray your Lordship to accept assurances of the distinguished consideration with which

I have, &c.

(Signed) A. STEVENSON.

The Right Hon. Viscount Palmerston, G.C.B.,
&c. &c. &c.

List of Documents transmitted with Mr. Stevenson's Note to Lord Palmerston, dated April 16, 1841.

1. COPY of Memorial addressed by Robert Brookhouse and William Hunt, owners of the "*Tigris*" and the "*Seamew,*" to the Secretary of State, detailing the particulars of the seizure and detention of those vessels. (Enclosure 1.)

Annexed to the same are copies of extracts from a letter received by Robert Brookhouse and William Hunt, from Captain James Briant, of the ship "*Seamew,*" dated Sierra Leone, November 23, 1840. (Enclosure 2.)

2. (Copy.) Also the Deposition of Isaac Shreve, second officer of the "*Seamew,*" detailing the particulars of the seizure and detention of that vessel. (Enclosure 3.)

3. (Copy.) Depositions of Nathan Augustus Frye, master, and Thomas Williams, one of the seamen of the "*Tigris,*" detailing the particulars of the seizure and detention of that vessel. (Enclosures 4 and 5.)

4. Copy of Letter from Lieutenant Matson, commanding Her Britannic Majesty's brig "Waterwitch," to "the Secretary or Registrar of either of the Circuit Courts of the United States," in reference to the seizure and detention of the "*Tigris.*" (Enclosure 6.)

5. Copy of Letter from the Consul of the United States at London to the Secretary of State, transmitting four affidavits relative to the case of the barque "*Jones.*" (Enclosures 7, 8, 9, and 10.)

6. Copy of Memorial of the owners of the barque "*Jones,*" and depositions of two of the crew, relative to her seizure by Her Britannic Majesty's brig "Dolphin." (Enclosures 11, 12, and 13.)

7. Copy of Letter from the Consul of the United States at St. Helena to the Secretary of State, dated October 21, 1840, transmitting documents marked A to F, inclusive, relative to the seizure of the barque "*Jones.*" (Enclosures 14, 15, 16, 17, 18, and 19.)

8. Copy of Protest of James Gilbert, master, and Francis W. Sexton, supercargo of the barque "*Jones*," relative to the same, the original documents referred to being on file in this Legation, marked A to AO, inclusive. (Enclosures 20 and 21.)

9. Copy of Statement detailing an occurrence on board the barque "*William and Francis*," signed "Peter Flowery," master of the barque. (Enclosure 22.)

First Enclosure in No. 254.

MEMORIAL.

To the Honourable John Forsyth, Secretary of State for the United States.

ROBERT BROOKHOUSE and WILLIAM HUNT, merchants and native citizens of Salem, in the county of Essex and commonwealth of Massachusetts, respectfully represent that your memorialists have been extensively engaged in commerce and trade between Salem and the coast of Africa during the last twelve years. And in conducting and managing their said trade, both in this country and on the coast of Africa, during all that time, they have in fact transacted, and, as they believe, they are reputed wherever they are known to have transacted their affairs, in every respect in strict conformity to the laws, customs, and usages of the United States, and to the laws of nations, and with due regard to the honour of their country. Until very lately their vessels have never been detained or molested anywhere or by any one; but they have sailed the ocean and traded on the coast in the pursuit of their lawful commerce, under the security and protection afforded them by the respect heretofore everywhere paid to the American flag. But within a few months the course of things has changed, their vessels have been forcibly seized on said coast and in the adjacent waters, their voyages broken up, the American flag insulted, and the rights of their sailors disregarded and trampled on by the officers and men of the public armed cruisers of Great Britain. Your memorialists would further represent, that on or about the eleventh day of May, A.D. 1840, they fitted out a certain brig belonging to them, called the "*Tigris*," for a barter voyage to the said coast of Africa and the adjacent islands, intending and expecting that she would be absent from six to eight months, and that she would return with as much despatch as possible to Salem, her port of departure. They put on board said brig an assorted cargo of merchandise, in kind the same as they have heretofore been in the habit of sending to said coast, and such as it is usual for other American merchants in said trade to send to said coast, dry goods, flour, cotton goods, &c. The said brig went to sea under charge of Nathan Augustus Frye, a native citizen of Salem, a man of high character, and well known and respected for his probity, honesty, and good conduct. The crew of said brig consisted of men who are all citizens of said Salem, and most of them have families residing there. The two officers are also citizens of Salem, and men of good character and standing. The brig first went to St. Thomas's, an island off the coast of Africa; there she sold and discharged a part of her outward cargo, and purchased and took on board a large quantity of coffee. The brig then sailed to Ambriz, a place on the coast of Africa, and there discharged a part of her outward cargo, and took in exchange for it a large amount of ivory. She then went to Loando, St. Paul's, to fill up with water, as none could be procured at Ambriz. After a short stay of a few hours, she next went to Novo Rodondo, and there a small portion of the outward cargo was discharged, and ivory and wax taken in exchange. After remaining here a few days, she went to Benguela, and there discharged a considerable amount of outward cargo, and took on board a large quantity of ivory. As soon as this business was transacted, the brig returned to Ambriz, where she arrived on her return about the 6th of October last. Sales were then made at this place of the remainder of the outward cargo on board, to be delivered and payment to be made in money immediately, and the brig was then to return forthwith to Salem; but before this business could be transacted, the brig was boarded and forcibly seized by an armed party from the British armed brig the "Waterwitch," which arrived at Ambriz about the same time with the "*Tigris*." The "*Tigris*" was boarded first in the absence of Captain Frye, by two of the officers of the "Waterwitch," Lieutenant Matson and Midshipman Jackson. They came on

board the "*Tigris*" in a very rude and insolent manner, and went about her hold and examined the various parts of her without asking permission of any one. And finally, on leaving the "*Tigris*," they took out of her a small boy, about fifteen years old, whom Captain Frye had employed on the coast as a cabin boy, having great need of some one to act in that capacity, and intending to bring him to Salem. After Captain Frye returned to the "*Tigris*," these same officers came again from the "Waterwitch" to the "*Tigris*," and boarded her again, bringing back the cabin-boy. These officers then asked for Captain Frye's ship's papers, which he gave to them; after they had returned these papers, they went again to the "Waterwitch," and soon returned to the "*Tigris*" with a crew of about eight men armed with pistols and cutlasses, and some of the men with musketoons, took charge of the "*Tigris*," and told the captain that they should detain her about seven days. They again demanded the ship's papers, which were handed to them, the register, muster-roll, clearance, and shipping articles. Lieutenant Matson then returned to the "Waterwitch;" Midshipman Jackson with his armed party, by terror of their weapons, with threats and much insulting and abusive language, and many oaths, compelled a part of the crew of the "*Tigris*," all but the captain, two mates, and cook, to go on board of the "Waterwitch," the crew of the "*Tigris*" all the time remonstrating against such usage, and against leaving their own ship. Captain Frye told the commander of the "Waterwitch," that he had disposed of the remainder of his outward cargo, and that it was to be landed the next day, and requested that he might be allowed to discharge it, as many of the things were of a perishable nature, and take in a quantity of ivory which he had at Ambriz intended to be brought home in the "*Tigris*." The commander refused him liberty to do so, and ordered the midshipman to let nothing go out of the ship or come into it. In a few days Lieutenant Matson came again to the "*Tigris*," and took away her log-book. Captain Frye then requested him for leave to go on shore and settle his business, but this was denied. He next sent a party of men on board the "*Tigris*" to overhaul her cargo. This was done in a very loose and careless manner, wasting much of the coffee. The commander suffered a passenger by the name of French to go on shore, having first searched his trunk throughout. The crew of the "*Tigris*" were taken a great distance down the coast on board the "Waterwitch," and after twelve days were returned again to the "*Tigris*." The "*Tigris*" was put under charge of a party of armed men, called a prize crew, and a British midshipman, and sent home to Salem. The midshipman in charge, as your memorialists are informed and verily believe, was entirely incompetent to manage and take care of the brig, by reason of his habits of intemperance referred to in the affidavits that accompany, during the whole time of the voyage home. And they are informed and believe that the habits of the midshipman in this respect were well known to the British Lieutenant Matson, when he put him on board to take charge of the "*Tigris*." The "*Tigris*" had on board a valuable cargo of ivory and coffee, and a large quantity of her outward cargo, as well as the valuable priceless lives of her crew, who were now prisoners on board. All of these were in constant danger from the incompetency of the midshipman and his reckless and imprudent conduct, and that of the crew in charge under him. Neither Captain Frye nor his men were allowed to take any part in the direction of the brig. The "*Tigris*" and her cargo came into Salem about the 30th of December, where they still remain. Her voyage has been nearly ruinous to your memorialists by reason of this forcible termination of it. And they have suffered, and may still suffer incalculable injury from this unlawful interception of their enterprise. The log-book and papers of the "*Tigris*" have never yet been returned to them.

Your memorialists would further represent that they are the owners of a certain ship called the "*Seamew*," and on or about the second day of July, A.D. 1840, they fitted her for a barter voyage to the coast of Africa and the adjacent islands, in the same manner with the "*Tigris*," and with the same cargo in kind as before mentioned. She was placed under the charge of James Briant, of Beverley, in the said county of Essex, a well-known and highly respectable shipmaster, who has been long in the trade on the coast of Africa. Her firs and second officers are also very respectable citizens of Salem, and many of her crew are of the same place. The "*Seamew*" went to the Island of St. Thomas, on the coast, and arrived there about the last of August. She there landed

part of her outward and took in return cargo. Then she went to the island of Prince, and there discharged and took in cargo; then she went back to St. Thomas's, and remained there a number of days trading; then she sailed for Ambriz, on the coast of Africa, and there discharged and took in cargo. Just as she was about leaving Ambriz she was boarded by an officer from the British brig of war "Persian," commanded by Captain Queen. The captain of the "*Seamew*" was not then on board. The officer inquired of Mr. Babbidge, the first mate of the "*Seamew*," as to the cargo, and was told by Mr. Babbidge that she had a cargo of merchandise for trading on the coast, naming to him the articles; while the officer was there Captain Briant came on board. The officer asked Captain Briant for tobacco; Captain Briant was unwilling to break out his cargo for the sale of a small quantity, unless the officer would take all he had, because he was about going away, and did not wish to be detained unless he could make a large sale. The officer then said he would send some men aboard and break it out for him. He then inquired of Captain Briant also what cargo he had; Captain Briant named over to him all the articles, and said that there were about 3000 feet of boards under the cargo, placed there instead of common dunnage in order to keep the cargo dry. The officer then returned to the "Persian" with his boat's crew. In the course of three-fourths of an hour the same officer returned with 12 or 14 men, armed with cutlasses and pistols. The officer jumped on deck and ordered his men on deck without speaking to Captain Briant, and told Captain Briant that he had taken charge of the ship. Captain Briant asked why he did so? The officer told Captain Briant to ask him no questions, he was obeying his orders. The officer then ordered the crew of the "*Seamew*" to go forward, and told his own men to see that the "*Seamew's*" crew were kept by themselves. Soon after a boat came with an officer and four men, armed with cutlasses and pistols, belonging to the above-named brig "Waterwitch." This party also boarded the "*Seamew*." The whole remained on board, sixteen men and two officers, all night. The two officers went into the cabin, and there drank and caroused, and were very noisy until late at night. In the morning another boat came from the "Persian," with a party of men to overhaul the cargo. They began in the main hold, and turned the cargo out down to the kelson, doing considerable damage by their imprudent manner of handling the cargo. They then broke out the after hold, down to the tobacco which lay at the bottom of the ship; they hoisted out one or two kegs of it, and paid for the same to Captain Briant. In stowing back the coffee and cargo again, they did much damage by their carelessness. While they were stowing the cargo down, the captain of the "Persian," the purser, the master, the boatswain, and the carpenter came on board. The carpenter went into the cabin and other parts of the ship, and searched her thoroughly throughout; but as there were no signs of implements, and never had been, of unlawful trade on board, none of course were found or discovered. The crew were then forced to go on board of the "Persian," all excepting the captain, second mate, and cook. A party of eight armed men, called a prize crew, then came on board the "*Seamew*," under charge of two officers; one about twenty-three, and the other about nineteen years of age. Captain Briant was deposed from his authority in the "*Seamew*," and kept, with the second mate and cook, prisoners on board their own vessel. The officer in command of the prize crew drove the second mate from his berth in the cabin, and threw out his clothing, called him opprobrious names, and used towards him insolent and abusive language, at the same time ordering his prize crew to load their pistols and draw their cutlasses to terrify him, and threatened to put him in irons. The second mate was afterwards placed on board of the "Persian," in room of the first mate, who was returned to the "*Seamew*." Captain Briant showed to the officers of the "Persian" all his papers as soon as they requested, and when they first came on board; and they afterwards searched his desk and chest, and all his papers, but found nothing more than he had shown them. They were often asked for the reason of seizing the "*Seamew*," and they gave none other than that there were some boards and spars on board. These spars had been sold to a merchant at Ambriz, to be delivered and paid for at Loando, and the boards, of which there were about 3000 feet, were put in as dunnage, and intended to be sold as soon as the cargo was taken off from them. The "*Seamew's*"

crew on board the "Persian" were put on two-thirds allowance, and were kept in a state of geat hunger for nineteen days. The crew were then put on shore at St. Helena, and left without any provision made for their sustenance or passage home. Two of the crew went from St. Helena to Liverpool, two to Amsterdam, and the second mate, with three others, have arrived at Salem. The "*Seamew*" started on a voyage intended to be from five to seven months, and to return immediately to Salem. When captured she had purchased no articles of merchandise but ivory and coffee, and only about one-half of the outward cargo had been sold. The "*Seamew*" was taken to Sierra Leone, all the papers were taken from the captain, and he was not allowed to go on shore, nor was he allowed to see any one from the shore on board the vessel. The last your memorialists have heard of the "*Seamew*" is that she was under way for St. Helena, probably to be again given up to the captain of her. What will eventually be the fate of her and her cargo, and her men on board, it is impossible to conjecture; but at all events your memorialists must suffer incalculable injury from this forcible interception of their enterprise.

For proof of all the above facts your memorialists beg leave to refer to the papers and documents which accompany this memorial. And they beg the immediate attention of the Government of the United States to the wrongs and injuries which they, in common with others, are suffering in this behalf, which they are assured are without any law or authority either from this Government or any other.

Your memorialists feel the utmost confidence that the Government of this country, whose laws they have always obeyed, will not see them suffer these great wrongs without obtaining for them proper redress and indemnity, without providing that the flag of the country shall be everywhere respected, and the rights of our citizens everywhere acknowledged.

(Signed) ROBERT BROOKHOUSE.
WILLIAM HUNT.

Second Enclosure in No. 254.

Extracts from a Letter received by the within-named Robert Brookhouse and William Hunt from Captain James Briant, of the ship "Seamew," *dated Sierra Leone, November* 23, 1840.

"AMBRIZ, OCTOBER 23.—Went on board to get under weigh for Loando, when I was boarded by the English man-of-war brig 'Persian.' He demanded my papers, which I delivered to him, and told him what I had on board. He demanded my invoice and bill of lading. I handed them to him, and told him there was some lumber on board which was omitted by mistake in making of the invoice, but that I had put it in as soon as I had discovered the mistake. They went on board the 'Persian,' and returned in half an hour with two boats and took charge of the ship. The next day they sent men on board and broke out cargo down to the kelson in main and after hold. In the afternoon they got the ship under way, and run her alongside of the brig; they then took out Mr. Babbidge and all my men, with all my papers, and got under way the next day and put to sea.

"The next day they put my second officer on board the 'Persian' and took Mr. Babbidge (first mate) on board the '*Seamew*,' and gave the officer in charge orders to proceed to Sierra Leone. He arrived here 16th November. They have taken all my papers of every description on shore, and overhauled them, and will not allow me to go on shore, or allow any one to come on board, so that I am prisoner on board my own ship. If I was allowed to go on shore I would protest against these proceedings, and abandon the ship. I understand they are getting ready to sail for St. Helena, to give her up to me. My voyage will be prolonged two or three months by this detention, and I expect all my plans will be spoiled before I get to a market. Everything is going to wreck on board, and will be more injured in two months by these drunken rascals than they would be in twelve months under my charge."

Third Enclosure in No. 254.

Deposition of Isaac Shreve.

I, ISAAC SHREVE, of lawful age, do on oath depose and say that I was second officer of the ship "*Seamew*," James Briant master, on her voyage from Salem to the coast of Africa, and the islands on said coast. We sailed from Salem on the 2nd day of July, 1840, and arrived at the island of St. Thomas about the last day of August of the same year; at that port we landed and took in cargo, and remained there about 13 days, and then sailed for the island of Prince, and arrived there in two days, and there discharged and took in cargo, and we remained there about seven or eight days, and then went back to St. Thomas's, and arrived there in four days, and remained there 10 or 12 days trading, and then sailed for Ambriz on the coast of Africa, and we were 19 days on our passage; there we discharged and took in cargo, and remained there five or six days; we hove short about five or six o'clock in the evening, and then saw a vessel coming in, and remained until they sent their boat on board; the boat came from the British armed brig-of-war "Persian," commanded by Captain Queen; there were four men and one officer in the boat; the captain of the "*Seamew*" was not then on board; the officer inquired what we had on board for a cargo, and Mr. Babbidge, the chief mate, told him that we had a cargo of merchandise for trading on the coast, and while they were there Captain Briant came on board. They inquired of the captain if he had any tobacco on board; he said yes; they said they wished to purchase tobacco, and the captain told them that he would not break the hold out for one or two kegs, unless they would agree to take the whole he had in the hold, which was 18 kegs; they then said that they wanted tobacco, and they would send plenty of men on board to break the hold up and get the tobacco out, so as not to detain the ship; he then inquired of Captain Briant what his cargo was; Captain Briant answered as the mate did, and told him the several articles he had, and that he had a number of feet of boards under the cargo, which was used for dunnage. The officer then went into the boat and returned to the "Persian" with his boat's crew, and said he was going to state what he said to his captain. Captain Briant told him to be as quick as possible, for he did not wish to be detained. In the course of three quarters of an hour the boat returned with 12 or 14 armed men, and the same officer; they were armed with cutlasses and pistols. The officer jumped on deck, and ordered his men on deck, without speaking to the captain; he told Captain Briant then that he had taken charge of the vessel. Captain Briant asked him for what reason? The officer told him not to question him, for he was obeying his superior officer's orders. The officer then ordered the crew of the "*Seamew*" to go forward, and ordered his own men to see that our crew were kept by themselves, and did not do anything at all. In about half an hour after the boat of the armed British brig "Waterwitch" came from on board the "Persian," and brought four men and one officer belonging to the "Waterwitch," all armed with cutlasses and pistols. The whole remained on board, 16 men and 2 officers, until the morning. The two British officers went into the cabin, and there drank, and smoked, and caroused, and were very noisy until after eleven o'clock. In the morning another boat came to the ship from the "Persian," and brought a party of men to break the cargo. They came on board, and the officer told them to go into the hold and break out the cargo, and to be careful and not injure anything. They began at the main hatch, and broke the cargo out down to the kelson, in doing which they stove half a dozen barrels of bread; afterwards they stowed it back into the main hold, and then they broke the after hold out down to the tobacco, which was stowed alongside of the kelson. After they came to the tobacco they hoisted out one or two kegs, I won't be certain which, and then they paid the captain for it; then they commenced stowing down the coffee again; while they were doing it a great number of the bags were burst; the captain ordered me down to sew the bags, so that it should not be wasted. While they were stowing it down the captain of the "Persian," and the purser, the master, and the carpenter, and the boatswain came on board. They went on and stowed the after hold, and were throwing it down quite carelessly at last, and seemed not to care whether they stowed it or not. The carpenter went into the cabin and searched every transom locker, and took things out which had not been started since the ship was built, even to little pieces of iron, and in one of the transom lockers they found a pair and a half of handcuffs;

then he overhauled the bread lockers, and found nothing there but bread. From there he went into the run with two Kroomen, who came on board with the crew of the "Persian;" they brought on board six or eight Kroomen in the whole; they overhauled the run, and searched it to their satisfaction, and could not find anything. After the carpenter had finished his search they ordered the "*Seamew's*" crew into the boats; the crew seemed to be dissatisfied, and objected to go. I told the officer that they objected to go. He said it was no use, that they must go; and then I spoke to the mate and to Captain Briant, and told them that it was much better to go quiet and peaceable, which they did. The first mate, Mr. Babbidge, and all the crew went; the captain, myself, and the cook, were all that remained in the ship. Shortly after a prize crew, commanded by Mr. Summerfield, the first lieutenant of the "Persian," and the master's assistant also came, both of them young men; should think the first lieutenant might be three or four and twenty years of age, and the master's assistant about nineteen. The prize crew consisted of eight men besides the two officers: they were armed with cutlasses, pistols, and muskets, and brought their own provisions and clothing. They then took charge of the vessel, and the other men belonging to the "Persian" and "Waterwitch" went to their respective vessels. They then got the "*Seamew*" under way, keeping the captain, myself, and the cook on board. They did not permit Captain Briant to have anything to do with the management of the ship during the passage. We kept in company with the "Persian" until morning. In the evening I went to the cabin to get a few cigars out of my chest, and the lieutenant asked me if I lived in the cabin; I told him "Yes, sir, I live in the cabin, and have got my things here;" and he then told me that I could not live there, for there was no room for me. I asked him where I was to go; he told me I was to go forward and live amongst the ship's company. I told him I would not go. That night he turned me out of the cabin, took all my things and hove them out of the cabin; and that night I slept in the after hold on top of the coffee, where I took so bad a cold that I was afterwards sick in St. Helena for several days, and have not got rid of it up to the present time. The next morning he called me, and told me I was to keep my watch. I told him I should do no such thing. He said he would make me do it; I told him that he was not able to make me do it, neither he nor his party. He then called me a brute, and called all his men aft, and told them to load their pistols and draw their cutlasses, and keep their eye on me; he then said if he even caught one of the watch without his pistols loaded he would have him severely flogged for it. I then told him that I expected to be treated as a prisoner, to have prisoner's rights. Then he said he would give me prisoner's rights, he would put me in irons, and send me on board the "Persian." I told him that when his captain came on board I would ask his permission to go on board the "Persian," and exchange with Mr. Babbidge, the chief mate.

Shortly after, the captain of the "Persian" came on board, and gave me permission to go on board the "Persian;" I then took my things into the boat, and went on board the "Persian," and Mr. Babbidge returned to the ship. Captain Briant seemed to be very much hurt and cast down, by having his vessel thus forcibly taken from him.

The only reason they gave for thus seizing our vessel was, that we had some lumber on board, and some small spars. The spars had been sold to a merchant at Ambriz to be landed at Loando, when the "*Seamew*" got there, and were to be paid for there. The lumber was put in in the room of putting in common dunnage, and after the cargo was out it was intended to be sold. They would give no other reason but this for thus seizing the vessel, though we often asked them what they took us for.

Captain Briant showed them all his papers when they first came on board, and showed them everything he had, and told them he had been trading on the coast a number of years, and that this was the first time he had ever been asked for his papers by a man-of-war. They searched his desk, and chest, and everything, and nothing was found but what he showed them. While we were in the "Persian," we were all put upon two-thirds allowance, I mean the crew of the "*Seamew*"—their own crew had a full allowance. Our men often came to me, and complained that they were very hungry. We remained there, on board the "Persian," for nineteen days, and then arrived at St. Helena. When I went on board the "Persian" we parted company with the "*Seamew*," which was ordered, as I understood, to Sierra Leone.

The first night we arrived I asked permission to go on shore with one of the "*Seamew's*" crew, to inquire of the Consul what was to be done with us. Mr. Carrol, the Consul, told us he could not do anything until such time as he received a letter from the officer of the "Persian," to know the reason why we were taken. The next morning I went on board, and told the officer that Mr. Carrol would not have anything to do with us unless he would write him a letter, stating the reason why we were taken. The officer then wrote on a piece of paper the names of the crew, and stated that he had taken these persons out of the ship "*Seamew*," which was ordered to Sierra Leone. He gave me this note, and then turned us all ashore with our things, without making any provision for us. The captain of the "Persian" was then on shore sick. There were seven men and myself of the crew of the "*Seamew*" thus landed at St. Helena; three of them were quite lads. Two of them left for Liverpool in an English vessel, with a letter to the American Consul from Mr. Carrol. Two others left in a fortnight after we arrived, in a Dutch vessel, bound to Amsterdam: they also carried a letter to the American Consul at Amsterdam. Myself and three more came in the "Dartmouth," a whale ship, to New Bedford, in one month after we arrived. We sailed from Salem, expecting to be absent from five and a half to seven months, to trade on the coast with her outward cargo, and purchase the articles of merchandise for sale on the coast of Africa and islands, and thence home to Salem. We had but about half of our homeward cargo in when we were taken. We had purchased no articles of merchandise but ivory and coffee. About half of our outward cargo remained unsold when the voyage was broken up by the capture of the "*Seamew*" by the British. Part of these articles were of a perishable nature.

(Signed) ISAAC SHREVE.

Commonwealth of Massachusetts, Essex Sessions, February 3, A.D. 1841.

Subscribed and sworn to before

(Signed) JOHN GLEN KING,
Justice of the Peace.

Fourth Enclosure in No. 254.

Deposition of N. A. Frye.

I, NATHAN AUGUSTUS FRYE, of lawful age, do on oath depose and say that I was master of the brig "*Tigris*" on her late voyage from Salem to the coast of Africa. She sailed from Salem on the 11th of May, 1840, for a barter voyage to the coast of Africa and the adjacent islands, and arrived at St. Thomas's the latter part of July. There I sold a considerable portion of the outward cargo for coffee, and had taken on board about fifty thousand pounds of it, and lay at St. Thomas's eleven days. I then sailed for Ambriz, on the coast of Africa, and arrived there about the 20th of August, I should think, and there discharged another part of my outward cargo, and took on board a large amount of ivory, and sailed for the port of Loando, St. Paul's, to fill up my water. Not being able to get any at Ambriz, we lay at Loando twenty-four hours, then. got under way, and proceeded to Nova Redonda, and discharged there a small portion of my cargo, taking on board ivory and wax. We lay there three days, and then got under way for Benguela, and arrived there about the 1st of September, and there discharged a considerable portion of my cargo, and took on board a large amount of ivory. After laying twelve days, I got ready for sea, and proceeded back towards Ambriz. When abreast of Loando, St. Paul's, about eight o'clock in the evening, I saw a strange sail to leeward, standing south; when she got abeam of me, she tacked, appearing to be in chase of me. She soon got up into my wake, nearing me very fast. I saw the flash of a musket from on board the sail, and I hauled up my main-sail, supposing her to be an English cruiser. Finding that she overhauled me very fast, I kept on until she got within hailing distance of me. She hailed me, and asked where I was from, and where bound, what vessels I had seen on the coast, and if there had been any new arrivals at Benguela, all of which I answered; and in return asked him if he had been into Ambriz, and what vessels were there, and when he left. He told me he had not been in, but that his boat was in there the evening before, and that there were two American vessels there.

By this time he was alongside of me under my lee. I asked him if he was coming on board, and he said No. I asked him what brig that was, which not being answered, I, thinking he did not hear me, again asked the question, and still receiving no answer, I asked him if it was not the "Brisk?" By this time he had passed to windward of me ahead, having given me no answer. He tacked ship to the southward, and I saw no more of him that night. The next morning at day-light, being about twenty miles to the southward of Ambriz, I saw a launch, which I took to be an English man-of-war launch. It was nearly calm at the time, and she soon pulled alongside of me; she was commanded by the gunner of the "Waterwitch," who came on board and asked me the same questions, nearly, as had been asked the evening before by the vessel which I then spoke, which proved to be the "Waterwitch," and not the "Brisk." He then left me, and that evening at ten o'clock I anchored in Ambriz.

The next morning, at ten o'clock, I went on shore and made sale of the whole of my remainder cargo on board. It was to be immediately delivered, and I was to have my pay in gold money. About 1 P.M. I saw a sail coming from the southward, and recognized her as the "Waterwitch," as she was waiting there an hour to pick up a launch. About four she was among the vessels that were at anchor there, and I noticed that he sent a boat, first to the "Cypher," of Salem, and then to my vessel. I was then ashore. At this time I made a signal to the mate on board to send a boat on shore, wishing to send off orders to the mate about preparing to discharge the cargo the next day, not intending to go off myself that night. When the Kroomen, who were sent ashore for me, came up to the house where I was, they informed me that the commander of the man-of-war had taken my cabin-boy out of the vessel. I immediately went on board myself, and on getting on board of my vessel, the first officer, Mr. Burnham, told me that they had been boarded in a very unceremonious manner by two officers from the "Waterwitch;" they coming on board, and jumping down into the main hold without asking him any questions, and that they immediately began asking what this package was, and what that package was, of those below, and that they went in this manner all fore and aft of the ship, and that when they came aft they saw the cabin-boy, and he told them it was the cabin-boy I had taken on board to carry to the United States. This cabin-boy was taken on board by me at Benguela, for the purpose of bringing him to the United States with me, it having become necessary for me to have some one in the cabin, the cook having become intemperate and frequently intoxicated, so that I could not trust him in the cabin. Shortly after my arriving on board the "Waterwitch's" boat returned, two officers coming in her, Lieutenant Matson, and a midshipman by the name of Jackson, bringing the cabin-boy with them. They told me that they had taken him out of my vessel for the purpose of examining him on board of their vessel, as they did not understand his language, and, finding that they had no one on board who could interpret his language, they had brought him back. They asked me for the ship's papers; I gave them to them, and they soon returned them to me, and previously to returning to me they took my clearance, and wrote upon it, that I had got a black boy on board that could not speak any English. They then left me and returned on board their own vessel, and in about ten minutes the same officers again returned with an armed crew, and the commander told me that he should detain my vessel about seven days, and again demanded my ship's papers, consisting of register, muster-roll, and clearance, and shipping articles. He then ordered my own crew to go on board of the "Waterwitch." They asked if they should take their chests, and were told to take only a shift of clothes. Lieutenant Matson then went on board the "Waterwitch," telling Mr. Jackson to see his orders executed.

At this time there was an armed party on board of the "*Tigris*," belonging to the "Waterwitch," of from six to eight, with Midshipman Jackson. My men strongly remonstrated at this time against going, saying that they shipped in the "*Tigris*," in the United States, to go the voyage, and they meant to go home in her. The midshipman said to them, that he could force them to go; my men replied, that they could fight as well as he, and they would not go unless they received the sanction of their captain first. Then the midshipman said to them, "Damn your eyes, I'll force you to go," at the same time hailing the "Waterwitch," which lay within speaking distance.

During this conversation I was aft, and not near enough to hear all that passed; but I have stated all that I heard. After the midshipman had hailed, seeing another boat approaching from the "Waterwitch," I went forward among my men and advised them to go peaceably, telling them that we were under the guns of an English man-of-war, and completely in their power, and that they had an armed party on board, and if we resisted it would be worse for us. One of the men then told me, in the presence of the midshipman, that he had been called by the midshipman "a bloody son of a bitch," and he would have satisfaction. They still, generally, refused to go, saying that they had shipped under my orders and would not obey any English officer, and that they knew how it would be; that if they went on board they should be half starved to death, and put upon two-thirds allowance. I told them they should take the ship's provisions to last them, and ordered the cook to put them up a bag of beef and bread, which they did not finally take. The commander of the "Waterwitch" having, by this time, returned on board with the second armed party that the midshipman had hailed for, and told me that there was no necessity for their taking any provisions, as they should have plenty to eat on board his vessel, and also told me that they would not be gone more than three days, the men then consented to go.

At this time I asked the commander if his taking my vessel would prevent my discharging my cargo, and taking other cargo in. He said, most certainly it would. I told him my cargo was all sold, and was to have been landed the next day, and that a great part of it was of a perishable nature, and that if he would let me discharge it, I should take on board twice the amount in ivory. He said no, and ordered the midshipman to let nothing go in or out, and to let no boat come alongside during his absence; and he gave the ship's papers into Mr. Jackson's charge, and went on board, and sent him a letter, which I suppose to be a letter of instructions. My men at this time went on board the man-of-war. This left on board myself, my mate, Mr. Burnham, the second mate, Mr. Henderson, and an American passenger, and the cook.

The commander of the "Waterwitch" at this time sent provisions and two breakers of rum for his men. The "Waterwitch" then sailed, and in two days again returned, and the commander, on coming on board the "*Tigris*," asked for my log-book. I told Mr. Burnham, the mate, under whose charge it was, to give it to him. Previously to this time, I had told the commander of the "Waterwitch" that I did not suppose, or admit, that he had any right to ask me any questions as to my voyage or my papers, or to come on board my ship; that my register and my flag were all he could have a right to inquire into; and I doubted whether he had a right to see my register. He made me no answer. I asked him for leave to go on shore to settle my business, but he refused to permit me, saying that I could not go ashore myself, or have any correspondence with the shore.

Upon his taking the log-book, he told me that he was going to send my vessel to the United States. Upon that I handed him a letter, giving him an account of my whole transactions, since I left the United States up to that date. He told the midshipman that he would send a working party on board, to turn over the whole cargo, and take an inventory of everything on board, which they did in a very loose and careless manner, wasting a great deal of coffee. At that time they let Mr. French, the passenger, go on shore, having previously searched his chest throughout. The "Waterwitch" again got under weigh, telling Mr. Jackson, after he had re-stowed the cargo, to get under weigh and meet him off Loando. The next day but one we got under weigh, and fell in with the "Waterwitch" thirty miles from Loando. They put on board more rum and provisions, and started for Benguela, telling Mr. Jackson to stand in to Loando island, and a Portuguese man-of-war would give him water, which we were then in want of, and then to get under weigh and keep thirty miles out shore from Loando, and cruising about until he should join her. They went in and got their water, and cruised as directed for five days. The "Waterwitch" then returned, put wood and provisions on board the "*Tigris*," sufficient to last to Ascension, and we were kept lying near her all that day, the prize-crew of the "*Tigris*" getting their clothing on board from the "Waterwitch." During the five days we were cruising we had no papers on board the "Waterwitch," they having been taken by the commander of the "Waterwitch" when he went to Benguela. We kept all that night in com-

pany of the "Waterwitch," and the next day. The last time Lieutenant Matson came on board, he brought Mr. Jackson with him in a state of intoxication, which was obvious to all on board. At this time I asked him what his reasons were for taking us, and he said he wanted to know if we had any right to have these black boys on board; it was the first thing of the kind that had ever occurred, and he wanted to try the right of American vessels to have these boys on board, and now the question would be settled. At the same time I objected to having rum brought on board, as my own men did not use it, and my cook had been drunk with their liquor several times. He made no answer. The same night, at six o'clock, we sailed for the Island of Ascension, under the command of Midshipman Jackson, our own crew having previously been brought back from the "Waterwitch."

During the passage to Ascension I was in constant apprehension for the safety of the vessel, crew and cargo, from the daily and gross intoxication of the midshipman who commanded her. I could say nor do anything to assist in managing the vessel properly, because, when I attempted it, I was told it was none of my business, or some answer of that kind.

At Ascension we took in from ten to fifteen tons of stone ballast, and provisions and water to last her men to the United States, and in three days sailed for Bermuda and the United States. From three days after leaving Ascension, until we got into latitude of about 20° north, the midshipman continued in a state of almost constant intoxication, until the rum was thrown overboard. He hauled to for Bermuda, from latitude 20°, but it was so squally he could not get in, and then he steered for the United States. When we got on the coast of the United States, it became necessary, for the safety of the ship, that the crew of the "*Tigris*" should assist in managing her, and they did so, and continued it until she arrived in Salem.

The voyage of the "*Tigris*" was intended to continue from seven to eleven months; it was strictly a trading voyage, for the purpose of procuring the productions of the coast of Africa and the islands; and my instructions allowed me to take nothing in exchange for my outward cargo but ivory, coffee, wax, gum, oil, and money, and these were the only articles taken. The vessel, during this voyage, was not engaged in any illegal traffic whatever, and there was no person on board the "*Tigris*," during the whole voyage, who was, or ever had been, a slave, to my knowledge.

(Signed) N. AUGUSTUS FRYE.

Commonwealth of Massachusetts, Essex Sessions, February 3, A.D. 1841.
Subscribed and sworn to before me,

(Signed) JNO. GLEN KING,
Justice of the Peace.

Fifth Enclosure in No. 254.

Deposition of Thomas Williams.

I, THOMAS WILLIAMS, of lawful age, do on oath depose and declare, that I was one of the seamen of the brig "*Tigris*," N. A. Frye master, on her late voyage from Salem to the Coast of Africa; that I have now had read to me the affidavit of Captain Frye, before written, and agree generally with his statements, as to the course and conduct of the voyage, the manner in which the brig was taken by the British armed brig "Waterwitch," the conduct of the midshipman who was put in command of the "*Tigris*," and the occurrences generally on her passage to Salem.

While Captain Frye was on shore at Ambriz, Lieutenant Matson and Midshipman Jackson came on board from the "Waterwitch," and saying a word or two to the mate, immediately jumped down into the hold, and began asking what one thing was, and what another thing was, and then they came on deck and looked round the decks, and came aft and looked round there, and after asking the mate, in an insulting manner, where he got the cabin boy from, they took the cabin boy and carried him on board the "Waterwitch." The boat then went on shore after the captain, and just about dusk in the evening he came, and then the same officers came again on board the "*Tigris*" from the "Waterwitch," bringing

the cabin boy with them, as related above by Captain Frye. A short time afterwards a boat came with a company of armed men, and they all came on deck, and our crew, with some of the crew of the "Cypher," were singing and amusing ourselves, and the first word we heard was from Midshipman Jackson, standing in the waste, "Come, there, bundle into the boats;" with that we all knocks off singing, and, says I, "Bundle into the boats; what do you mean by that? you a'n't a going to bundle any of us into the boats;" and then we all jumped up and went aft. With that he said, "Damn you, get into the boat." The "Waterwitch's" boat was then lying alongside. Says I, "Don't damn me;" said he, "You damned son of a bitch, I'll make you go," and by that he ordered his men under arms, and at the same time I saw some of his men loading their muskets, and drawing their cutlasses, and sounding their pistols. We said we would not go; that we shipped to go the voyage from Salem in that vessel, and to Salem back again, and out of that vessel we would not be turned. After a good deal of hard language, we still refusing to go, he threatened to make us go by force, and hailed the "Waterwitch." One of the marines from the "Waterwitch" came and persuaded us to go on board, saying we should not be hurt. Then Lieutenant Matson, with a number of armed men, came on board and asked what was the matter, and we up and told him that we would not be abused, that we had been damned, and cursed, and threatened to be turned out of our own vessel.

The commander of the "Waterwitch" said, "You won't be detained but two or three days; I am only just going up to Angola, and you need not take your chests." I told him I did not want to go on board the "Waterwitch," to be put on short allowance, and he said we should have enough to eat, and fare the same as the rest did. We then went on board, and took nothing but a shirt and trowsers, and a bit of tobacco. We went to Loanda and then returned to the "*Tigris*," and were gone two days. They told us that the "*Tigris*" was a prize, and was going to be sent to America, and they got a prize crew ready to be put on board of her. I went aft on board of the "Waterwitch," and asked the commander when we were going on board our vessel, and he said not yet, and then says I, "Sir, will you allow us to go on board and get some clothes?" "Yes," he said, "one or two may go, but not all." Upon that, me and another man went and got what was sufficient for the whole; and as soon as we had got them, Mr. Jackson said, "There, they are hailing from the vessel," and we were hurried right on board again, at the same time they were overhauling the cargo in the hold, and taking it on deck. At this time there were none of the crew of the "*Tigris*" on board her except the captain, the two mates, the cook, and Mr. French, a passenger. When we got on board, the commander asked me if I got what I wanted. I told him I had got a few things. "Well," says he, "I am only going to keep you about a week, and am going up to windward to cruise." We soon found that we were going to Benguela; we went in there about nine or ten in the morning, staid there about eight hours, during which time the commander and doctor went on shore. We then started between four and five o'clock; that same night, between about eight and nine o'clock, I heard the commander of the "Waterwitch" say to his sailing-master in his cabin, "Damn the brig and her captain too, I wish we had never seen her." The officer answered, "You've made a bad job." The commander answered, "As I have taken her and kept her so long, I must send her home;" and the doctor, or some one standing by, said, "We've got into bad work." On Sunday, the day before we fell in with the "*Tigris*," after the divisions were mustered, he called the crew of the "*Tigris*" all aft, and told us that he was going to put us on board the "*Tigris*" as soon as we saw her, and that we were going to the United States, and that she was to be sent directly to Salem. He said that he should give Mr. Jackson a letter to the British Consul at Boston, so that if Mr. Brookhouse would not pay us our wages, the British Consul would pay them. The morning we went on board the "*Tigris*," he told us to say nothing to the captain about the letter, and what he had been telling us—I mean the letter which the commander had previously told us he had received from Captain Frye, in which he said Frye had made some statements against the crew of the "*Tigris*." After we got on board the "*Tigris*," I went immediately to Captain Frye, and told him what the commander said about the letter, and he said it was not true, and he took out a copy of the letter, and read it to me, and there was nothing of the kind in it. The next day after we fell in with the "*Tigris*," and after I went on board her, they brought on board the "*Tigris*,"

from the " Waterwitch," the rum and provisions for the prize crew to last them to Ascension. On that day Mr. Jackson lay on the hen-coop drunk from about two to about five o'clock. The same night he came on board, and was then intoxicated, and that night about eight or nine o'clock we made sail. He continued intoxicated most of the time during the passage, and we felt ourselves in constant danger from the careless and heedless and imprudent manner in which the vessel was managed.

I have been on several voyages before to the Coast of Africa in American and English vessels. The voyage of the " *Tigris*," and the trading at the different places where she stopped, was, as far as I knew or saw, exactly like the trading of all other merchant vessels in which I have been to Africa: I have known boys to be taken on board the vessels in which I have sailed several times, on board English as well as American vessels, to do work on board the vessels whenever they were needed; and have known them carried to England in English vessels to London, and I never before knew or heard of any difficulty or trouble about it. The boy we had came on board the " *Tigris*" as a cabin boy, in the same way that boys have come on board the other vessels in which I have sailed, and was as free as any of us on board, and was used as such.

On the 30th day of December we arrived in Salem, where I belong, and where I have a wife and family. After I got on shore at Salem, Mr. Jackson met me, and ordered me to go on board again, as he wanted us all on board. Says I, " No, Sir, I've got my foot on Yankee ground here, and glad I am of it, and I'll not take it off again."

(Signed) THOMAS WILLIAMS.

Commonwealth of Massachusetts, Essex Sessions, February 4, A.D. 1841.

Subscribed and sworn to before me,

(Signed) JOHN GLEN KING,
Justice of the Peace.

Sixth Enclosure in No. 254.

Commander Matson to the Secretary or Registrar of either of the Circuit Courts of the United States.

Her Britannic Majesty's brig " Waterwitch," off Angola, October 19, 1840.

(See Thirteenth Enclosure in No. 253, page 203.)

Seventh Enclosure in No. 254.

Mr. Aspinwall to the Hon. John Forsyth.

Consulate of the United States, London, December, 29, 1840.

SIR,

I HAVE the honour to transmit with this letter the affidavits of four native American seamen—John G. Sleeper, Ransom Harmon, Henry Eastman, and Benjamin Peabody—which I caused to be taken, on their recently applying here for relief, in consequence of having been compelled to quit the barque " *Jones*" of New York at the time of her seizure by the British brigantine of war " Dolphin," at St. Helena, for being coursed in the Slave Trade.

The substance of these affidavits is as follows. The barque " *Jones*," owned by Messrs. Farnham and Fry, of Salem and New York, sailed from Boston the 12th of last March, ostensibly for Montevideo. Her crew signed articles for that destination; but about three weeks after her course was altered for the Coast of Africa, where she subsequently arrived at the port of Ambriz, and after discharging part of her cargo there, went to Loando and back again to Ambriz, thence on a fresh voyage to St. Helena, with the intention of returning to Ambriz. About the 9th or 10th of September she was seized by the captain of Her Britannic Majesty's brigantine " Dolphin," as stated above.

The proofs relied upon in justification of the seizure, and probably, also, of the subsequent condemnation at Sierra Leone, appear to have been,—falsified papers, a Spanish or Portuguese letter descriptive of the character and purpose of the

voyage, five pairs of slave irons called shackles, and a quantity of salt fish, such as is supplied to slaves, found on board the "*Jones*" at the time.

As the interposition of our Government may soon be called for, either politically or judicially, I have thought it my duty to furnish it with the affidavits in question, that it might be able to regulate its proceedings by information of the most positive and authentic character attainable at this moment.

The four seamen have been furnished with passage to the United States in the ship "*Philadelphia*" of New York, which left here on the 23rd instant, and should reach that place about the time the present letter is received. I subjoin a minute of their places of residence, in case their testimony should be wanted.

I have, &c.

(Signed) THOMAS ASPINWALL.

Address. John G. Sleeper, No. 410, Washington Street, Boston.
,, Ransom Harmon, No. 19, South Division Street, Buffalo, New York.
,, Henry Eastman, Brookfield, Madison Co., New York.
,, Benjamin Peabody, No. 128, Tremont Street, Boston.

Eighth Enclosure in No. 254.

Affidavit of John G. Sleeper.

Consulate of the United States of America, London.

I, Thomas Aspinwall, Consul of the United States of America for London, and the dependencies thereof, do hereby make known and certify to all whom it may concern, that on the 10th day of December, in the year of our Lord 1840, John Gilman Sleeper applied at this office for relief as a destitute American seaman, and having exhibited a seaman's protection, numbered 352, issued from the Custom-house of the district of Boston and Charlestown, dated the 11th day of March and year aforesaid, thereafter made oath as follows, that is to say,—

That he is a native of Newington, in the county of Rockingham and State of New Hampshire, one of the said United States; that being in Boston, in the State of Massachusetts, on the 12th day of March aforesaid, he shipped as an American seaman on board the American barque "*Jones*" of New York, James Gilbert master, to proceed in her to Montevideo and a market, and thence to a port of discharge in said States. That he accordingly sailed in said barque from Boston aforesaid on the day last above written, and proceeded in her towards said Montevideo with an assorted cargo, the principal part consisting of flour and gunpowder.

That after being at sea about 20 days, it became obvious to this deponent and others, the crew of the said barque, that her course had been altered, and that she was proceeding in direction to the northward and eastward; on inquiring of the mate of said barque the cause of such alteration, was told that the vessel was on her way to the Coast of Africa. That said barque held on the latter course, and proceeded to Ambriz on said Coast, where she arrived in June last, and landed part of her cargo. That he was left ashore at Ambriz as supercargo's assistant, and there remained during five weeks, when he was ordered to proceed in her to said Ambriz. That he thence sailed in said barque to St. Helena, where they arrived about the 24th day of the following month (August). That after being in St. Helena about a fortnight, said barque "*Jones*" was seized by Her Britannic Majesty's brigantine "Dolphin," on the charge of having false papers on board, and being concerned in Slave Trade. That he was then taken on board the said brigantine "Dolphin," where he remained about a month, and then shipped by the advice of the commander of said brigantine in the English ship "Java," Dulhic master, bound to this port; that he sailed in said ship from St. Helena aforesaid on the 17th day of October last past, and arrived in this port on the 9th day of December first above written; and this deponent further swears owners of said barque are Messrs. Farnham and Fry of New York and of Salem, and that Mr. P. S. Farnham, one of said owners, was in the shipping office at Boston aforesaid, at the time he, this deponent, signed articles to proceed to Montevideo, as aforesaid. That he, this deponent, had no suspicion whatever that the vessel was going to the Coast of Africa until

he observed the alteration of her course. That while at Ambriz, in his capacity of supercargo's assistant, he saw the invoice book of said barque, in which it appeared that said vessel was bound to Ambriz, the cargo being consigned to Farnham W. Fry (brother to said owner Fry), supercargo on board said barque "*Jones.*" That while on board said barque at Loando a Portuguese vessel-of-war sent an officer on board and demanded to see said barque's papers, whereupon said master produced a set of shipping articles which this deponent had never before seen, and which he observed were headed "To Ambriz and Loando." That on examination of said barque at St. Helena by the commander of said brigantine "Dolphin," five pairs of shackles, called slave-irons, were found on board; and this deponent lastly swears, that while on board said brigantine he was informed by her officers that a letter or letters written in the Spanish language had been found in said barque addressed to the master thereof, relating to certain slaves which were to have been received on board by said master.

(Signed) JOHN G. SLEEPER.

In testimony of all which I have hereunto set my hand, and affixed the seal of the Consulate of the United States in London aforesaid, this 17th day (L.S.) of December and year aforesaid, and in the sixty-fifth year of the independence of the said United States.

(Signed) THO. ASPINWALL.

Ninth Enclosure in No. 254.

Affidavit of Ransom Harmon.

Consulate of the United States of America, London.

I, Thomas Aspinwall, Consul of the United States of America for London and the dependencies thereof, do hereby make known and certify to all whom it may concern, That on the 10th day of December, in the year of our Lord 1840, Ransom Harmon applied at this office for relief as a destitute American seaman; and having exhibited a seaman's protection, numbered 605, issued from the Custom-house of New Bedford, dated the 16th day of July, 1838, thereafter made oath as follows: that is to say,—

That he is a native of the town of Clarence, Erie County and State of New York. That being in Boston in the State of Massachusetts on the 12th day of March, and year first above written, he shipped as an American seaman on board the American barque "*Jones,*" of New York, James Gilbert master, having signed articles of agreement to proceed in her to Montevideo and a market, and thence to a port of discharge in said States. That he accordingly sailed in said barque from Boston aforesaid, on the day last above written, and proceeded in her towards said Montevideo with an assorted cargo, the principal part consisting of flour, sea biscuit, and gunpowder, as also about thirty thousand feet of pine boards. That after being at sea about twenty days, this deponent was informed by the mate of said barque that her course had been altered by the direction of said master, and that she was seising for Ambriz on the coast of Africa, where said ship arrived in June last, and there landed about 30,000 kegs of gunpowder. That he then proceeded in said barque to Loando, whence (having there remained during three weeks, and discharged more of her cargo) she returned to said Ambriz. That he thence sailed in said barque to St. Helena, where they arrived in the following month, August. That after being in St. Helena about 16 days, during which time said barque had taken on board several bales of cotton cloth, and was about to return to Ambriz, she was seized by Her Britannic Majesty's brigantine "Dolphin," on the charge of having false papers on board, and being concerned in the Slave Trade; and on examination made by the officers of said brigantine on board said barque "*Jones,*" five pairs of fetters, called slave-irons, were discovered on board, and among the cargo was found two bags of ground grain called farina, which had been taken on board at Ambriz, and about 20 barrels of salt fish of a very inferior quality, which had been brought in said barque from Boston, both of which, as this deponent is informed, are of the quality used as food for slaves. That this deponent was taken out of said barque, and provided on board said brigantine during the space of about a month, when

he shipped by the advice of the commander of said brigantine in the English ship "Java," Dulhic master, bound to this port, and sailed in her on the 17th of October last past, and arrived in this port on the 9th day of December first above written. That while on board said brigantine he was informed by one of her company who had been present during the examination of said barque "*Jones*," that a letter written in Spanish had been found on board, by which it appeared that said master was to convey a number of slaves from Ambriz to the coast of Brazil; he, this deponent, likewise heard while on board said brigantine, that the pine boards or planks found in said barque were for the purpose of forming a slave deck. And this deponent lastly swears, that he was further informed by the First-Lieutenant of said brigantine, that two vessels belonging to Messieurs Farnham and Fry (owners of the barque "*Jones*," as aforesaid) had on a former occasion been seized on similar suspicion by the same brigantine "Dolphin," and that the name of one of said vessels was the "*Butterfly*."

(Signed) RANSOM HARMON.

In testimony whereof I have hereunto set my hand, and affixed the seal of the Consulate of the United States in London aforesaid, this 17th day of (L.S.) December, and year first above written, and in the 65th year of the Independence of the said United States.

(Signed) THO. ASPINWALL.

Tenth Enclosure in No. 254.

Affidavit of Henry Eastman.

Consulate of the United States of America, London.

I Thomas Aspinwall, Consul of the United States of America for London and the dependencies thereof, do hereby make known and certify, to all whom it may concern, that on the 11th day of December, in the year of our Lord 1840, Henry Eastman applied at this office for relief as a destitute American seaman, and exhibited his protection, numbered "626," issued from the Custom-House of New Bedford, dated the 20th day of July, 1838. And on the 14th day of December aforesaid, Benjamin Peabody applied at this office under similar circumstances, and exhibited his protection, numbered "1173," Charlestown, dated the 18th day of October, 1838. And thereafter severally made oath as follows, that is to say,—

And first this deponent, Eastman, made oath, that he is a native of Brookfield, Madison county and State of New York. The deponent Peabody in like manner declared, that he is a native of New Bedford, in the State of Massachusetts; and both said deponents further swear, that being in Boston in said State, in the month of March, and year first above written, they shipped in the American barque "*Jones*," of New York, James Gilbert master, and signed articles of agreement to proceed in her to Montevideo and a market, and thence to a port of discharge in the United States. That they accordingly sailed in said barque, and proceeded for Montevideo with an assorted cargo, the principal part consisting of flour and gunpowder. That after being at sea about 20 days, said barque's course was altered, and these deponents were informed by the chief mate that they were bound to the coast of Africa. That said barque proceeded to Ambriz on said coast, and arrived there in June last, and having landed part of her cargo proceeded to Loando, likewise on said coast, and there remained about one month. That during said barque's sojourn there, an officer from a Portuguese vessel of war, stationed at said Loando, boarded said barque and demanded to see her papers, whereupon a set of false shipping articles were produced by said master, who requested these deponents to answer to the names therein set down. That said barque then proceeded to St. Helena, and arrived about the latter part of August. That after being in St. Helena about a fortnight, said barque "*Jones*" was seized by Her Britannic Majesty's brigantine "Dolphin" on the charge of having false papers on board, and being concerned in the Slave Trade; and on examination, five pairs of shackles, called slave-irons, were discovered on board said barque. That these deponents were then taken on board said brigantine, and there remained about a month, and then shipped, by advice of the commander of said brigantine, in the English ship

"Java," Dulhic, bound to this port, where they arrived on the 9th day of December first above written. And these deponents did lastly swear, that while on board said brigantine at St. Helena, they were informed that a letter written in Spanish had been found in said barque, by which it appeared that said Gilbert was to have proceeded to Ambriz to receive a number of slaves on board his said vessel.

(Signed) HENRY EASTMAN.
his
BENJAMIN ⋊ PEABODY.
mark.

In testimony whereof, I have hereunto set my hand, and affixed the seal of the Consulate of the United States in London aforesaid, this 19th day of
(L.S.) December, in the year of our Lord 1840, and in the 65th year of the Independence of the said United States.

(Signed) THO. ASPINWALL.

Eleventh Enclosure in No. 254.

Memorial of Messrs. Farnham and Frye, owners of the barque "Jones."

To the Honourable John Forsyth, Secretary of State of the United States.

Putnam J. Farnham, of the city of Salem, in Massachusetts, and Jed Frye, of the city of New York, in the State of New York, merchants and partners in business,

Respectfully represent that they are the sole and absolute owners of the barque "*Jones*," a registered vessel of the United States, of about 271 tons burden, James Gilbert master.

That in the month of March last past, at the port of Boston, in Massachusetts, they fitted out their said barque for a voyage to South America, the coast of Africa, and back to the United States; intending that she should first go to the coast of Africa, and after trading there proceed to St. Helena, and back to Africa, or directly thence to South America, as circumstances might make expedient. That having laden on board of said barque a valuable cargo of assorted goods, suited to the trade of the voyage upon which she was destined, and having caused her to be manned and furnished with documents and papers according to the laws of the United States, she was cleared out and sailed from said Boston upon the voyage aforesaid, on the 13th day of March, 1840; that in the due and legal prosecution of said voyage, she arrived at Ambriz, on the coast of Africa, in the month of June following, and there having landed some of her cargo, and taken in more cargo, she sailed for Loando, a port above on the coast, and there also landed and took in cargo, and thence returned to Ambriz; that in the month of August, in the same year, in the legal prosecution of said voyage, said barque sailed for St. Helena, and arrived there the last of the same month.

And your memorialists further represent that after said master had finished his business at St. Helena, and said barque was ready to proceed upon her said voyage, she was with her cargo on board forcibly and against right and law seized and taken possession of by an armed party from the British national brigantine of war called the "Dolphin," Lieutenant Littlehales commander, acting under the orders of said commander, and the said master of said barque and his officers and crew forcibly dispossessed of his said barque, and the said master forbidden to come on board said barque, and threatened with death if he attempted it, by an armed sentinel from said brig "Dolphin," stationed on board said barque, and acting under the orders of the officers of said brig; that the crew of said barque were sent on board said brig "Dolphin," and treated as prisoners, and there put on short allowance, and cruelly plundered of their clothing and effects; that the hatches of said barque were broken open, her cargo overhauled, the packages and boxes and casks broken open, and their contents torn out and scattered about and greatly injured, and said barque and her cargo treated in every respect like a prize to a piratical and irresponsible rover; that by means of this illegal and unjust seizure and plunder, said barque with her said cargo have become and are wholly lost to

your memorialists, the owners, and their insurers, and the profits of said voyage lost.

And your memorialists know no other alleged or pretended causes or reasons for this gross violation of their rights, than the fact that the master of the said barque did not immediately exhibit to the said commander of said brig the manifest of his cargo when the same was abruptly demanded of said master in the streets of St. Helena, on a Saturday night, after the Custom-House was closed, said master at same time offering to show the same to said commander, and give him any other information upon the subject, on the Monday morning following; and your memorialists have also heard, that to justify the said seizure the commander and officers of said British brigantine "Dolphin" have pretended that they had suspicions that said barque would be engaged in the Slave Trade upon the said voyage, if she went back to the coast of Africa; but your memorialists do further most earnestly and confidently state that the said voyage was conducted by the master and crew of said barque in every respect according to the laws of the United States, and the places where said barque traded in the course of it, and in strict conformity with the provisions of all Treaties to which the United States are parties; and that at no place and at no time, on said voyage or any other voyage, were the master or crew of said barque, or her owners or their agents, concerned or engaged directly or indirectly in the Slave Trade, or in any other illegal traffic or business whatsoever, but on the contrary that they or each of them strictly confined themselves on said voyage to the usual and proper trade in goods and merchandise which is common and legal to all merchants and traders.

And your memorialists most respectfully do further represent, that they are merchants who have been for many years engaged in the trade to the coast of Africa, and have, they trust, conducted themselves in it in a manner to bring no discredit on themselves as fair and upright traders, or upon the nation to which they belong; that they feel that the large funds which they have embarked in this trade are in imminent danger, if an immediate and effectual interposition on the part of their Government is not exerted; that standing there as American citizens and merchants, carrying on an honest and fair branch of the commerce of their country, and under its flag and in the confidence of its protection, they openly take the liberty to express to the Secretary of State their assured hope that they are not to be abandoned by their rulers to lawless outrage and plunder from any foreign nation, under the insulting pretence of a right of search, which the laws of their country and the spirit of its citizens have ever refused to concede in its treaties with foreign nations.

And your memorialists further represent that the statements assured are fully supported by the documentary evidence taken at St. Helena, now in the office of the Secretary of State, and by the affidavits which accompany this memorial.

They therefore most respectfully and earnestly solicit, that such measures may be adopted by the American Government as will procure them redress and reparation from the Foreign Power by the authority of whose officers they have been thus injured and despoiled.

(Signed) P. J. FARNHAM.

Salem, February 4, 1841.

(Signed) JED FRYE.

New York, February 6, 1841.

Twelfth Enclosure in No. 254.

Affidavit of Henry Eastman.

I, HENRY EASTMAN, of lawful age, do on oath depose and say, that I belonged to the barque "*Jones*," James Gilbert master, as one of her crew, when she was taken possession of at St. Helena by the British armed brig the "Dolphin."

The barque sailed from Boston some time in March, 1840, and arrived on the coast of Africa some time in June; and first arrived at the port of Ambriz, and there landed and took in goods, and went up to Loando, and from there came back to Ambriz; and after taking in goods for St. Helena, we sailed for that island and arrived there the last of August, as far as I can now recollect. We traded there, landed bread and flour and other articles, and took on board ballast; and while we lay there the boat of the "Dolphin" came on board

several times with an officer—as many as five or six times. The officer went into the cabin with Mr. Davis, the mate, whenever the boat came, but what passed between them I don't know. The captain was not on board at these times. I mean to say that this took place before the vessel was seized by the "Dolphin," and while the captain was on shore doing the business of the voyage. The barque got all ready for sea; the long-boat was hoisted in, and everything stowed, when one Sunday a boat came on board from the British brig "Dolphin," with an officer, two marines, and a boat's crew, all armed with cutlasses and pistols, and the marines had muskets. They first hoisted the long-boat on one side, and took off the main hatches, and took up some of the cargo on to the deck, and then they opened some of the casks and cases and bales; some of the casks had crockery in them, and some of the cases shoes—and the bales contained cotton goods, such as we have to trade with on the coast; they worked nearly all day on Sunday, and tore the things pretty well up in the hold; they overhauled all the ballast, or nearly all, that we took on board at St. Helena. The gunner of the "Dolphin" was below, and the lieutenant went down once in a while. The captain came on board and went into the cabin; he did not stay long, and I did not hear anything that was said by him or to him. The British left an officer and two marines on board all night; the next day a boat's crew and two marines came on board again, and were overhauling her, knocking the boxes to pieces in the hold, until we were ordered to go on board the "Dolphin," which was after dinner; and then the officer told us to get everything up and go on board the "Dolphin," and we had all our things overhauled as we got on the gangway of the "Dolphin." The officers said the man on shore was not a consul, and we must stop on board, and couldn't go on shore with our clothes, and that they had got to take care of us until something was done with the barque. They kept us on board until the barque sailed, and then we had liberty to go on shore once in a while; while on board the "Dolphin" we were put on two-thirds allowance, and that is short enough on board an English vessel. The crew of the "Dolphin" frequently said they were sure of their prize-money, whether the barque was condemned as a slaver or not; that it was to be 33*l.* or 34*l.*; our clothes were, many of them, stolen by the crew of the "Dolphin," and they carried them on board and sold them; they did not leave me a blanket. We had part of a bolt of duck distributed to us to make trousers, which was taken by them from the cargo of the barque. I knew the duck very well.

There was nothing in this whole voyage of the barque that I saw that looked like anything but a common trading voyage, and no appearance of trading in slaves, or anything but the common goods of a voyage to the coast of Africa; while we were on board the "Dolphin" her boats went constantly to the barque both night and day. There was rum brought on board the barque from the "Dolphin," and carried into the cabin and used there. The officers of the "Dolphin" and Mr. Davis, our mate, and the steward then lived in the cabin.

(Signed) HENRY EASTMAN.

Essex Ss., February 2, 1841.

Subscribed and sworn to before me,

JUSTICE OF THE PEACE.

Thirteenth Enclosure in No. 254.

Affidavit of Benjamin Peabody.

I, BENJAMIN PEABODY, of lawful age, do on oath depose and say that I was one of the crew of the barque "*Jones*," James Gilbert master, at the time she was forcibly seized and taken possession of by the British armed brigantine "Dolphin," Lieut. Littlehales commander; we sailed from Boston about the 13th day of March last, and arrived at Ambriz, on the coast of Africa, some time in the latter part of June; we landed cargo there and took in ivory there, and then went up the coast to Loando; we landed some cargo and took in some at Loando, and from there we went back to Ambriz; there we again landed and took in cargo, and in the month of August I think it was, but can't tell the day, we sailed for St. Helena, and arrived there the latter part or very last of August; we landed the cargo which we brought to land there, and took in ballast and some bale goods; the captain went on shore and did his business at the Custom-

house, as is always done in foreign ports. On Sunday an officer came on board the barque from the British brig "Dolphin," with a boat's crew armed with pistols and cutlasses, hoisted the long-boat off the hatches, and opened them; then they went down below, and the mate sent me on shore with two hands for the captain to come on board. I went, and the captain came on board; what passed between him and the officers I don't know, and he soon after went on shore again. The men from the British brig afterwards left the barque, but left behind them an officer, one marine, and two seamen, all armed, who remained on board all night. In the morning a crew came on board from the British brig to overhaul the barque, and began to overhaul and take out the cargo of the barque, and while they were employed in this they sent us on board the "Dolphin" with our things.

While the British officers were on board, Mr. Davis, the mate, brought me a paper to sign, about not wanting to go again to the coast, as they said, but I did not read it, and as the rest signed it I signed it. John Avery, who was a man-of-war's man, and said he knew about the laws, told us we should not fare so well if we did not sign it. We were kept on board the "Dolphin," and were not allowed to go on board the barque, or on shore until the barque was gone, and then they allowed us to go on shore. While we were on board the "Dolphin" the purser asked us one day what we landed on the coast, and we told him, as far as we knew, what the goods were we landed, and he wrote it down as I suppose, but I did not read what he wrote, and we signed it; this is all we meant to sign, and if he wrote anything else I did not know it, and did not mean to sign anything more. The crew of the "Dolphin" went on board the barque every day, and sometimes several times during the day; the jolly-boat was going to and fro almost all the time until the barque went off. I saw Mr. Davis, the mate, intoxicated two or three times during the voyage, on board, while the vessel was in port. While we were on board the "Dolphin" we were not allowed to speak to any one but ourselves, and no one that came alongside was allowed to speak to us or we to them.

I never saw anything on board the barque or any of the officers that looked like trading in slaves, or in anything else but selling and buying goods.

his
(Signed) BENJAMIN ⋈ PEABODY.
mark.

Essex Ss., February 2, 1841.

Subscribed and sworn to before me,

JUSTICE OF THE PEACE.

Fourteenth Enclosure in No. 254.

Mr. W. Carrol to the Honourable J. Forsyth.

United States' Consulate, Island St. Helena, October 21, 1840.

HONOURABLE SIR,

I DO myself the honour to report to you the following occurrence, and to enclose certain documents thereunto appertaining, and to which I respectfully beg, Honourable Sir, to call your most serious attention.

On the 24th of August arrived at this Consulate (bringing goods for sale) and last from the west coast of Africa, the barque "*Jones*" of New York, under command of James Gilbert (owners per register being Jed Frye and Putnam J. Farnham and Co. of New York, and Josiah Spalding of Salem, Massachusetts).

Agreeably to law, the master, immediately after entering his vessel at the Custom-house, and handing in there a manifest of articles intended for sale here, and complying with rule, came to the office of this Consulate, and deposited the register of the "*Jones.*"

By the papers now enclosed you will perceive, Honourable Sir, that this vessel has been taken possession of by Her Britannic Majesty's brigantine-of-war "Dolphin," and you will find in the course of perusal that the commander of that vessel refused to recognise my consular interposition, which circumstance has, in her case, prevented my carrying out the duties of my office.

From the aspect of this affair, and the "*Jones*" having been taken away from this anchorage without her papers, I have deemed it to be my duty, for my protection, to retain and preserve them in my keeping at this Consulate until I shall

have received your directions as to their disposal, but for which the master possesses my receipt.

I likewise do myself the honour to enclose copy of depositions taken here in respect of several of the "*Jones's*" crew having refused proceeding on their voyage agreeably to their own written contract, and in violation of law, which persons it would have been my indispensable duty to have sent to the United States for trial; but pending my further operations in that behalf, the "*Jones*" was seized by an armed force, and all the crew taken out and carried on board the "Dolphin" unsolicited: hence the invasion also of my office, and the prevention of my bringing to justice in the United States the guilty party.

The commander of the "Dolphin" having applied in writing to the master of the ship "Ann M'Kim," of New York, Joseph Martin master, to take to the United States the crew of the "*Jones*," the same was replied to by him, and then put into my hands, copies of which I beg likewise to forward for your information, and to which I crave your notice and your protection to repel the unjustifiable insinuations therein contained against me by a youthful and inexperienced officer of subordinate rank.

I further have the honour of forwarding a correspondence with the Governor of this island in respect of his non-recognition of my consular powers, which circumstance has grown out of the present matter, notwithstanding for upwards of seven and a half years past (as per document likewise enclosed) the local authorities have recognised and corresponded with me in that capacity, and permitted the American flag to fly.

The United States' Government will by the present and past occurrences again see the absolute necessity and pressing expediency (for the effectual protection of American interests), in case of a repetition of similar acts, of having the consular power at St. Helena formally and properly recognised, by the direct orders of Her Britannic Majesty's Ministers in England.

I have, &c.

The Hon. J. Forsyth, (Signed) W. CARROL,
&c. &c. *United States' Consular Commercial Agent.*

Fifteenth Enclosure in No. 254.

(A.)

Commander Littlehales to Mr. Martin.

Her Britannic Majesty's brigantine of war "Dolphin,"
SIR, *St. Helena, September* 28, 1840.

FROM the report of the boarding officer of the brigantine under my command, and also from that of an American seaman, who with others are on board this vessel, I am induced to suppose that you are not aware of the circumstances which have led to their being here, and to their seeking in your vessel a passage to America, their native land.

I have no doubt but that you have been given to understand the men in question have broken faith and are insubordinate and mutinous, and unworthy of being received on board your or any other American vessel. Such is not the case, indeed the contrary is the fact: the men have been broken faith with, and cajoled; the vessel in which they were, unknown to them, had slave equipment on board, and was seized as having such whilst at anchor in British waters, a circumstance which the law of England does not for a moment admit of; neither does America, by a statute of 15th May, 1820, permit any of her citizens to be in any way concerned in the Slave Trade, without being guilty of piracy.

I have only to hope that you will not refuse the application of your fellow-citizens for a passage in your vessel to America, more especially as I understand your complement is not complete. If you do, I shall feel it my duty, under the circumstances of the case (the men having come to me for protection and assistance, such having been denied them by Mr. Carrol), to represent the same, together with other particulars, for the information and consideration of the Government of the United States, whom I am quite sure, whatever motives may actuate a few individual citizens, have too much the spirit of the great Washington to sanction for a moment any of her citizens and her seamen being oppressed and ill treated in a foreign land, and especially

the aiding and abetting of such by any person who is not a citizen either by birth or naturalization.

I have, &c.
(Signed) ED. LITTLEHALES,
Lieutenant and Commander of Her Britannic Majesty's brigantine "Dolphin."

United States' Consulate, Island St. Helena.

I certify the foregoing to be a true copy of the original document.
(Signed) W. CARROL,
United States' Consular Commercial Agent.

Sixteenth Enclosure in No. 254.

(B.)

Mr. Martin to Commander Littlehales.

SIR, *James' Town, St. Helena, Sept.* 28, 1840.

I HAVE the honour to acknowledge the receipt of your letter of this date, just received; and whilst I beg to assure you I can have nothing to do with the chief part of the circumstances enumerated therein, I must state to you, that I must decline giving a passage from this place to the United States, to American citizens, even in distress, unless such be applied for by the Consul of my country, notwithstanding the complement of my crew be sufficient, as is the case in the present instance. Moreover, from what you say, Sir, it would be unjustifiable in me to countenance, by affording a passage to persons, whom you say are, by a certain statute, as most likely guilty of piracy.

In anything relating to American citizens in this place, such must come through the American Consul, William Carrol, Esq., to whom I have the honour to refer you. I have, &c.

(Signed) J. MARTIN,
Master of Ship "Ann M'Kim."

United States' Consulate, Island St. Helena.

I certify the foregoing to be a true copy of the original document.
(Signed) W. CARROL,
United States' Consular Commercial Agent.

Seventeenth Enclosure in No. 254.

(C.)

Affidavit of James Gilbert, Francis W. Sexton, and Clement Hammond.

Depositions taken at the United States' Consulate at the Island of Saint Helena, before William Carrol, Consular Commercial Agent of the United States of America for said Island.

WE, James Gilbert, master of the barque called the "*Jones*," belonging to the port of New York, in the State of New York, in the United States of America, and now lying at anchor in the port of the Island of Saint Helena, Francis W. Sexton, supercargo of the said barque "*Jones*," and Clement Hammond, master of the barque called the "*Volant*," belonging to the port of Rochester, in the State of Massachusetts, in the said United States of America, and now also lying at anchor in the said port of the said Island of Saint Helena, do on oath solemnly and severally swear to the following facts as follows:—That is to say, that we and each and every of us went on board the said barque "*Jones*," in company with the United States' Consular Commercial Agent, for the purpose of inquiring into a difficulty between said James Gilbert and the crew of the said barque "*Jones*," on Saturday, the 12th day of September, in the year of our Lord 1840, when he the said James Gilbert desired Tobias Davis, junior, the chief officer of said barque "*Jones*," to call the ship's company aft, which was done. When the men so came aft, the Consul asked the said James Gilbert his difficulty, when the said James Gilbert informed him that the crew of the said barque had refused to proceed

back in the vessel to the West Coast of Africa. The Consul asked the crew if they had made such refusal, when he was answered by several of them in the affirmative; the Consul then requested the said James Gilbert to state where the said barque "*Jones*" was bound to, and produce the ship's articles, which was done. The Consul then showed said articles to them, who asked each and every of the persons named in the said articles, and then present, to wit, viz., James Gilbert, Tobias Davis, junior, Benjamin Peabody, William F. Lander, George A. Potter, Henry Jenkins, John R. Avery, Henry Eastman, Charles Wentworth, Henry Thomas, and Ransom Harmon, if the signatures and marks thereon and therein were theirs, and each of their respective signatures and marks, to which they and each of them acknowledged in the affirmative. The Consul then read the said ship's articles, part of which are in the following words, to wit, viz.:—"It is agreed between the master and seamen or mariners of the barque '*Jones*' of New York, James Gilbert master, now in the port of Boston, and bound for Montevideo, or other ports between the line of latitude of 36° south, and back to her port of discharge in the United States." He then requested the said James Gilbert to produce the chart of the west coast of Africa, which request was immediately complied with. The chart was opened, and shown to the ship's company, by the said James Gilbert, and the ports of Ambriz and Loando on the said west coast of Africa, and the port of Rio de Janeiro on the coast of Brazils, were pointed out; the said James Gilbert then showed, by a pair of dividers, that the said ports of Ambriz, Loando, and Rio de Janeiro were not so far south as the thirty-sixth degree of latitude: of this the Consul requested the crew to then satisfy themselves, which they did. The crew were told by the Consul that those and every of those who were willing to abide by their said contract to go on the starboard side of the deck, and those and every of those who were unwilling and denied to abide by their said contract to go on the larboard side of the deck, upon which the following persons, to wit, viz., Benjamin Peabody, William F. Lander, and George A. Potter, went on the starboard side of the deck, and the following persons, to wit, viz., Henry Jenkins, John R. Avery, Henry Eastman, Charles Wentworth, Henry Thomas, and Ransom Harmon, went on the larboard side of the deck. That the chief officer, Tobias Davis, junior, not going on either side, was asked by the Consul which side he intended to take, when the said Tobias Davis said he wished to know if fresh ship's articles were to be entered into; and wanted further to know where the said barque "*Jones*" was bound to; the said James Gilbert replied she was bound to Ambriz, Loando, and Rio de Janeiro. The Consul then said to him, that if he was unwilling to conform to his contract, as expressed in the said ship's articles, to go on the starboard side of the deck; the said Tobias Davis then standing about midway between the starboard and larboard sides of said deck of said barque "*Jones*," presently the said Tobias said, "You see I am on the starboard side." Those persons then on the larboard side of the deck were all and every of them asked by the Consul if they refused to comply and abide by their said written contract by proceeding in said barque "*Jones*" to ports between the line of latitude of 35° south and back to her port of discharge in United States, when they unitedly and individually said they would not go back to the west coast of Africa; they then further said as follows: to wit, Henry Jenkins said he did not ship to go to Africa, that he shipped to go to Montevideo and Rio de Janeiro, and that he had no other reason for denying to go back to Africa. John R. Avery said he did not read the ship's articles at the time of signing, that he was told by Mr. Farnham and Mr. Titcomb that the "*Jones*" was bound to Montevideo, that she was to trade along the coast of South America, and would not be from home more than eight months; that he always heard the coast of Africa was sickly, that he did not wish to go there on that account, and that he had no other reason. Henry Eastman said he did not ship to go to the coast of Africa, that he shipped to go to Montevideo, that it is sickly on the coast of Africa, that he was unwell there, that he was below deck there for two or three days sick, and that he did not want to be from home as long as the voyage would be, that he did not want to go back to Africa, and that he had no other reason. Charles Wentworth said he did not ship to go to the coast of Africa, that he shipped to go to Montevideo, that the coast of Africa is sickly, that he was unwell there, and that he had no other reason. Henry Thomas said he asked the owner in the United States where the "*Jones*" was going to, that Mr. Farnham (the owner)

said she was bound to Montevideo, and that her voyage would not exceed eight months, that he had no fault to find with the vessel, master, or officers, and that he had no other reason. Ransom Harmon said he did not ship to go to Africa, that he was sick there four days, that Mr. Farnham told him the "*Jones*" was bound to Montevideo, and would be gone only eight months, and that he had no other reason.

That upon the foregoing reasons being given by the persons aforesaid, the Consul twice read to them the law of the United States in respect of combination, refusal, or neglect of duty, and they were advised by him to comply with their said written contract, and that he would give them half an hour to consider the matter, and to make up their minds. The Consul waited for three-quarters of an hour in the cabin of said barque "*Jones*" in our presence, at the expiration of which time, he, with us, the said James Gilbert, Francis W. Sexton, and Clement Hammond went upon deck, when said crew were again called and had aft, whereupon they, the said Henry Jenkins, John R. Avery, Henry Eastman, Charles Wentworth, Henry Thomas, and Ransom Harmon, declared it to be their determination not to go to the ports of Ambriz and Loando, on the west coast of Africa aforesaid. The Consul stated to them, that whatever they might have been told in the United States, or whatever they might have understood there in respect of any other port to which the "*Jones*" was said to have been bound, that their written contract to proceed to ports between the line of latitude of thirty-six south, and back to the "*Jones's*" port of discharge in the United States (in which were included Ambriz and Loando, agreeably to the chart before-named), was much more binding upon them. The Consul repeatedly advised them to abide by their said contract, and go to Ambriz, Loando, Rio de Janeiro, and back to the United States of America, these being the places and no other to which the said James Gilbert declared the barque "*Jones*" to be bound, all which proved unavailing. That the said James Gilbert then proposed to the said men to carry the barque "*Jones*" to Ambriz only, stating that the said barque would remain there for only a few days, but to this proposition they would not yield their assent. That the said James Gilbert stated to the crew that the said barque "*Jones*" had been ready for two days last past for sea, and that the present difficulty was the cause of the delay. That finding that the matter in question could not be settled, and every effort to bring the crew to a reasonable understanding unavailing, we, the said James Gilbert, Francis W. Sexton, and Clement Hammond, with the Consul, returned from the barque "*Jones*" to the shore.

(Signed) JAMES GILBERT.
FRANCIS W. SEXTON.
CLEMENT HAMMOND

Sworn before me, this 12th day of September, in the year 1840,

(Signed) W. CARROL,
United States' Consular Commercial Agent.

United States' Consulate,
Island St. Helena, October 7, 1840.

I certify the foregoing to be a true copy of the original document.

(Signed) W. CARROL,
United States' Consular Commercial Agent.

Eighteenth Enclosure in No. 254.

(D.)

Mr. W. Carrol to Mr. W. H. Seale.

United States' Consulate,
Island St. Helena, September 22, 1840.

SIR,

I HAVE the honour to acknowledge receipt of your letter, dated 18th instant, in answer to mine of the 17th, addressed (through you as the organ of Government) to his Excellency the Governor of this island, in respect of the detention and seizure, by Lieutenant E. Littlehales, commanding Her Britannic Majesty's brigantine "Dolphin," of the American barque "*Jones*," of New York, commanded by James Gilbert, whilst the barque lay at anchor in these roads, under the protection of the laws and power of this place.

Having, as above, addressed his Excellency in my official capacity, and finding by your said answer that you have not addressed me as the "Consular Commercial Agent for the United States of America," I consider it to be due from me to the Government of that country, which has confided to me this high and honourable appointment, to respectfully ask of his Excellency, through you, the reason why you have not directed your said communication to me, with that address to which I feel myself entitled, from the perfect documents I hold from the President of the United States, as well as from the fact of my recognition in that office by the English East India Company in February, 1833, as well as the present Government here of Her Britannic Majesty, at the transfer of this island to the crown of Great Britain, and from thence to the present time.

I request to assure his Excellency, that the present communication is offered in no other view than that of duty towards the Government of the United States, and the most profound respect towards the authorities of this island, acting under the British Government.

I have, &c.

(Signed) W. CARROL,
Consular Commercial Agent for the United States of America.

United States' Consulate, Island St. Helena.

I certify the foregoing to be a true copy of the original document.

(Signed) W. CARROL,
United States' Consular Commercial Agent.

Nineteenth Enclosure in No. 254.

(E.)

Mr. W. H. Seale to Mr. Carrol.

SIR, *St. Helena, Colonial Secretary's Office, September* 23, 1840.

IN reply to your letter of yesterday, requiring to know why you were not addressed, in my letter to you, in the capacity of "Consular Commercial Agent for the United States of America," I have the honour to inform you, that having submitted your letter for the consideration of his Excellency the Governor, I am directed by his Excellency to state, that although he is perfectly satisfied with your credentials from the United States' Government, appointing you to that office, yet as his Excellency has received no instructions from Her Majesty's Government (which is usual in such cases) accrediting you to this colony, his Excellency cannot officially admit your recognition without that authority.

I have, &c.,

(Signed) WM. HY. SEALE, C.S.

United States' Consulate, Island St. Helena.

I certify the foregoing to be a true copy of the original document.

(Signed) W. CARROL,
United States' Consular Commercial Agent.

Twentieth Enclosure in No. 254.

(F.)

Copy of the 11*th para. of the Honourable Court of Directors' letter, dated February* 15, 1833.

Para. 11th.—We are not aware of any objection to your recognizing Mr. Carrol's appointment by the United States of America, to act as their "Consular Commercial Agent" at St. Helena.

True copy. (Signed) R. F. SEALE,
Secretary.

United States' Consulate, Island of St. Helena

I certify the foregoing to be a true copy of the original document.

(Signed) W. CARROL,
United States' Consular Commercial Agent.

Twenty-first Enclosure in No. 254.

Protest of James Gilbert and Francis W. Sexton.

United States Consulate, Island St. Helena.

By this public instrument and declaration and protest, be it made known and manifest to all persons whom it doth, shall, or may concern, that on Monday, being the 14th day of September, in the year of our Lord 1840, before me William Carrol, Consular Commercial Agent for the United States of America, at said island, duly appointed, at my office in James Town in the island aforesaid, and upon several succeeding days thereafter at the place aforesaid, personally came and appeared James Gilbert, mariner, master of the barque called the "*Jones*," then lying at anchor in the roads of said island, and belonging to the port of New York, in the United States of America, of the burthen of 271 tons, or thereabouts, as per register numbered "164," copy of which is hereunto attached (marked A), and laden with various sorts and descriptions of goods, wares, and merchandize, and last from the west coast of Africa;—and likewise on the first-named day and succeeding days thereafter, and place aforesaid, also personally came and appeared Francis William Sexton, supercargo of the said barque called the "*Jones*," who did each one for himself respectively, individually, and severally, then and there declare, allege, and say unto me the said William Carrol, in the capacity aforesaid, in manner and form following, that is to say, he the said James Gilbert did for himself declare, allege, and say as follows, that is to say,—that he the said James Gilbert, in and with the said barque "*Jones*" as master thereof, with certain persons composing the crew of said barque, for the prosecution of a legal trading voyage as per contract, a copy of which is hereunto attached (marked B), a descriptive list of whose persons, with their names, places of birth, residence, and country (with the exception of John R. Avery, who came from said Boston, in said vessel), a copy of which is hereunto attached (marked C), with a general cargo of merchandize as per manifest, a copy of which is hereunto attached (marked D), cleared at the Custom-house in Boston, in the State of Massachusetts, in the said United States of America, on or about the 12th day of March last past, as per clearance, a copy of which is hereunto attached (marked E), the said crew being then in perfect health, as per bill of health, a copy of which is hereunto attached (marked F), and with which barque and cargo he, the said James Gilbert, set sail and departed from said Boston, on or about the 14th day of said March, on a trading voyage, aforesaid, and arrived at Ambriz, on the west coast of Africa, on a certain day in the month of June following. That various goods, wares, and merchandize, being part of said cargo, were there landed, and at same place other goods, wares, and merchandize, with specie, there taken on board said vessel. That with the said persons of the said crew, with the exception and deduction of two men left on said coast of Africa, and the addition of the said Francis W. Sexton, and one man who came on board said barque at said Ambriz, and in further prosecution of said voyage, said barque set sail and departed from said Ambriz on or about the 1st day of the month of July last past, and on or about the 4th day of said July arrived at Loando, on said west coast of Africa, at which last-named place were landed from said vessel various goods, wares, and merchandize, and other goods, wares, and merchandize, and specie, there taken on board that vessel. That said barque, on or about the 4th day of the following month of August, set sail and departed from said Loando, and on the succeeding day again arrived at said Ambriz. That at this latter-named place a further quantity of goods, wares, and merchandize was landed, and at the same place more goods, wares, and merchandize, with more specie, taken on board said barque "*Jones*." That in further prosecution of said voyage said vessel again set sail and departed from said Ambriz on or about the 8th day of said month of August for said island of St. Helena, at which place said barque "*Jones*" arrived on or about the 24th day of said month of August. That shortly after bringing said barque to anchor in the roads at said island of St. Helena, he, the said James Gilbert, proceeded on shore at James's Town, in company with said Francis W. Sexton, and, in conformity with and obedience of the laws of said island, directly presented himself, and reported said barque and cargo, and entered the same, at the Custom-house of Her Britannic Majesty, and rendered a true account of goods

laden on board said barque, and intended for sale at said island, as per manifest, a copy of which is hereunto attached (marked G). That he, the said James Gilbert, in compliance with the laws of the United States of America, then proceeded to the office of the United States Consulate, and at that office deposited the register of said vessel, and at same time left there the following documents, as before named, viz.—ship's articles, list of crew, manifest of outward cargo from Boston, and bill of health also from said Boston. That he, the said James Gilbert, shortly after, in company with the said Francis W. Sexton, called on the agent of said vessel, into whose hands the business of said vessel and the cargo before named was immediately placed. That the goods so before named, and intended for sale at said island, were advertised for sale, as per notice, a copy of which is hereunto attached (marked H), since which several articles have been landed from said vessel, and disposed of, and other merchandize purchased and shipped on board said barque "*Jones*" at said island of St. Helena. That from and after the afore-named 21th day of said month of August, and at all times since until Thursday the 10th day of September first afore named, in the year aforesaid, the said barque "*Jones*," with the cargo aforesaid, safely lay at anchor in the roads of St. Helena aforesaid, under the laws, power, and protection of said island, undisturbed and unmolested. That in furtherance and pursuance of said voyage, the said vessel got prepared and was made all ready for sea, so as to depart and sail for said ports on said west coast of Africa, and thence to Rio de Janeiro, in Brazils, and port of discharge in said United States of America, intending to sail and depart from said island of St. Helena on the said 10th day of said month of September, which was the day and time on which terminated the liberty and leave of absence on shore at said island of Saint Helena of the chief officer (Tobias Davis, Junior) and three of the crew (Henry Eastman, Charles Wentworth, and John R. Avery) belonging to said barque. That, to the astonishment of him, the said James Gilbert, certain persons of said crew refused to proceed on said voyage, from which unexpected circumstance the said vessel hath been prevented from setting sail and departing from, and was therefore detained at, this said port of Saint Helena, whereupon he, the said James Gilbert, was necessitated to take certain steps against said persons belonging to said vessel, and which steps will be more fully seen and exemplified on reference to a certain public instrument and declaration of protest made at said island of Saint Helena by the said James Gilbert before the said William Carrol, in his capacity aforesaid, and dated the 14th day of said month of September in the year aforesaid. That being so detained, he the said James Gilbert being on shore in the town of Saint James aforesaid, late in the afternoon on Saturday, that being the 12th day of the said month of September, in the principal public street, then and there was accosted and addressed by a person out of uniform, and who was represented to him, the said James Gilbert, as Lieutenant E. Littlehales, in command of Her Britannic Majesty's brigantine-of-war called the "Dolphin," then lying at anchor in said Roads of Saint Helena, who did abruptly request him, the said James Gilbert, to see the manifest of said barque "*Jones*," when the said James Gilbert asked the said E. Littlehales to inform him, the said James Gilbert, what motive he had for making the request. Whereupon he, the said E. Littlehales, repeated the same request, to which the said James Gilbert made the same reply, when the said E. Littlehales responded, that, if the said James Gilbert complied therewith, much trouble would be saved to both parties. That hereupon the said James Gilbert stated to said E. Littlehales, that there was a custom-house at said Saint Helena, meaning that if said E. Littlehales wished for authentic information respecting the inward cargo of the "*Jones*" to said island, that at that place (meaning said custom-house) he could obtain it; he the said James Gilbert having then and there no other manifest in his personal possession than that of said "*Jones's*" outward cargo from the United States. That thereupon he the said E. Littlehales immediately and suddenly turned round and went instantly away towards the sea-side. That in a very short space of time, late in the evening of the said 12th day of said September, he the said James Gilbert, being then and there on shore, received a note from Tobias Davis, jun., (the mate of the said barque,) addressed to him the said James Gilbert, to inform him that an officer belonging to said "Dolphin" was then on board said barque, who required to see the papers of said barque, when he the said James Gilbert immediately proceeded on board said barque, it being then a late hour, and there found that officer; which officer personally made

known to him, the said James Gilbert, the same request, whereupon he the said James Gilbert informed that officer that the papers so required were then on shore at said island in the United States Consular office, and that on that account he the said James Gilbert could not then comply with such request, when, without demur or hesitation, explanation, or reference, he, the said officer belonging to said brigantine "Dolphin," then and there wrote something on a piece of paper, and sent the same by a boat then in waiting to the said brigantine "Dolphin." Whereupon in a few minutes after another officer, with three other men (all armed), came on board said barque "*Jones*" from said brigantine "Dolphin," who so armed took possession of said barque "*Jones*;" therefore he the said James Gilbert returned to the shore, when he made a report of the circumstance to the said William Carrol, in his capacity as aforesaid. That on the following day, being Sunday, the 13th day of said month of September, in the year aforesaid, a large body of men from and belonging to the said brigantine "Dolphin" proceeded on board said barque "*Jones*," who to all appearance immediately hoisted out the boats of the last-named vessel, opened her hatches, and took up cargo on deck, examining the same. That on the succeeding day, being Monday, the 14th day of said month of September, another large party of men, also from said brigantine "Dolphin," again boarded said barque "*Jones*," and then and there to all appearance again took upon deck from the hold of said barque "*Jones*" and examined and rummaged goods and other property belonging to said vessel's cargo. That much about and up to this time, the American ensign which had been flying at the mizen peak of said barque "*Jones*" at and from the time of her being first taken possession of as aforesaid, and afterwards, was struck, and since continued to be struck therefrom, and kept unexposed from public view, and to all appearance a white flag, with the device of a black dolphin and the words "me too" in it, substituted for the same at the maintop gallant mast head of said barque. That on this last-named day (Monday, the 14th day of said month of September), he the said James Gilbert, in company with the said Francis W. Sexton, proceeded from the shore to alongside the said barque "*Jones*" twice with the intention of getting on board that vessel on necessary business, when an officer belonging to said brigantine "Dolphin," then on board, in charge of said barque "*Jones*," forbid and prevented them the said James Gilbert and Francis W. Sexton from so doing, although he the said James Gilbert distinctly in appearance and by speaking made himself known to said officer so in charge, which circumstance is fully set forth and shown in two affidavits, copies of which are hereunto attached (marked I). That in consequence of such extraordinary and unexpected harsh proceedings, he the said James Gilbert felt called on, and so feeling, did write and complain to said William Carrol, in his capacity aforesaid, as per letter, a copy of which is hereunto attached (marked J), whereupon he the said William Carrol, in his capacity aforesaid, officially communicated in writing on the subject with the aforesaid E. Littlehales, as per letter, a copy of which is hereunto attached (marked K), but which official communication he the said E. Littlehales refused to receive, and did not receive, he stating that his Government did not recognise a consular officer in said island from the United States Government, or words to that effect, as per declaration, a copy of which is hereunto attached (marked L), whereupon he the said James Gilbert lost no time in addressing himself in writing to the said E. Littlehales on the subject aforesaid, as per letter, a copy of which is hereunto attached (marked M), and which letter was sent by one Thomas Storer, an inhabitant of said island, but to which he, the said James Gilbert, hath received no reply from the said E. Littlehales. That thereupon he, the said James Gilbert, considered it to be his duty to call, and did on the same Monday, the 14th of said month of September, call and wait upon the collector of Her Britannic Majesty's customs at said island, at his office at the Custom-house, in company with the said Francis W. Sexton, and the said William Carrol, in his capacity as aforesaid, did report to him, the said collector, all the foregoing proceedings; and after making such report, he, the said James Gilbert, then and there exhibited to him, the said collector, the following next-named papers, to wit, register of said barque "*Jones*," manifest of outward cargo from Boston of said barque "*Jones*," outward clearance from Boston of said barque "*Jones*," bill of health from Boston of said barque "*Jones*," list of crew from Boston of said barque

"*Jones*," and ship's articles executed in Boston of said barque "*Jones*;" and then and there the said James Gilbert and Francis W. Sexton offered said collector most readily any and every information in their power or knowledge about and in respect of said barque "*Jones*," her cargo, and voyage; and thereupon he, the said James Gilbert, did immediately after this interview communicate in writing with the said collector, asking for relief and assistance to restore unto him, the said James Gilbert, the said barque "*Jones*," as per letter, a copy of which is hereunto attached (marked N). That to this he, the said James Gilbert, received an answer, as per letter hereunto attached (marked O). That on Tuesday the 15th, and Wednesday the 16th days of said month of September, successive parties of men from the said brigantine "Dolphin" again went on board the said barque "*Jones*," and to all appearance there continued again to hoist upon deck and examine and stow away cargo. That he, the said James Gilbert, for and during the whole of the time and times aforesaid, and up to the last-named day, being perfectly ignorant of the grounds on which said E. Littlehales had committed, or caused to be committed, such extraordinary, unprecedented, and non-explained acts, proceeded on the last-named day in person to the said office of said collector at said Custom-house with a manifest of outward cargo, a copy of which is hereunto attached (marked P), and there and then, agreeably to the seventh paragraph of an order of Her Britannic Majesty in Council, dated the 11th day of July, in the year of our Lord 1839, at Buckingham Palace, requested of said collector the clearance of the said barque "*Jones*," which request was refused and not complied with, when he, the said collector, informed him, the said James Gilbert, that said Lieutenant E. Littlehales had intimated to him, the said collector, that a barque, with "*Jones of New York* painted on her stern," had been detained by him the said E. Littlehales, whereupon he the said James Gilbert immediately wrote to said collector on said 16th day of the month of September, for the information of the said E. Littlehales, as per letter, a copy of which is hereunto attached (marked Q). That not knowing to what further lengths he, the said E. Littlehales, would go, to the evident and manifest injury, detention, and other inconvenience of the persons and property in question, he the said James Gilbert deemed it incumbent on him to address, and did, through the Colonial Secretary of said island, as per letter hereunto attached (marked R), address his Excellency Major-General Middlemore, Companion of the Bath, and Governor and Commander-in-Chief of said island of Saint Helena, in writing, recapitulating to his said Excellency the foregoing matter, and claiming his interference and protection, with restoration of the property in question, as per letter, copy of which is hereunto attached (marked S). That accompanying said address was another appeal to the same purport, through the said Colonial Secretary, as per letter hereunto attached (marked T), to his said Excellency, by and from the said William Carrol, in his capacity as aforesaid, as per letter, a copy of which is hereunto attached (marked U). That on the 17th day of said month of September, he the said James Gilbert received from the said collector a reply, as per letter, a copy of which is hereunto attached (marked V). That on this last-named day, he the said James Gilbert, having the day before paid to said collector at said Custom-house, in the presence of one George William Janisch, an inhabitant of said island, as per declaration hereunto attached (marked W), paid and discharged all debts, dues, and demands owing by said barque "*Jones*," or the said James Gilbert, at said place, did in writing make another application to said collector for the clearance, agreeably to law, for the said barque "*Jones*," as per letter, a copy of which is hereunto attached (marked X). That up to this last-named day, and late therein, observing from all appearances every indication on board said barque "*Jones*" preparations there making to proceed to sea, and up to that time hearing nothing from the said E. Littlehales, neither directly nor indirectly, either verbally or in writing, from the said E. Littlehales, he the said James Gilbert lost no time to urgently write again to said collector, and with other things to repeat and reiterate his desire that the information named in said James Gilbert's letter of said 16th day of said month of September should without loss of time be communicated by him to the said E. Littlehales, as per letter, a copy of which is hereunto attached (marked Y). That on the day following, being the 18th day of said month of September, it was discovered that the said barque "*Jones*" had gone, departed, and disappeared from the anchor-

age aforesaid. That on this last-named day he, the said James Gilbert, received a reply from said collector, but which reply was utterly silent on the latter point, as per letter, a copy of which is hereunto attached (marked Z). That on said last-named day, he, the said James Gilbert, received, through the said Colonial Secretary, an answer from his said Excellency, the said governor of said island, as per letter, a copy of which is hereunto attached (marked AA). That, likewise on this last-named day, the said William Carrol, in his capacity aforesaid, also received, through said Colonial Secretary, a reply from his said Excellency, the said governor of said island, as per letter, a copy of which is hereunto attached (marked AB).

And he the said James Gilbert did further declare unto me the said William Carrol, in the capacity aforesaid, that, shortly after the arrival of the said barque "*Jones*" at the said island, he the said James Gilbert was induced to bring or cause to be brought on shore at said island to the Time Office from said vessel, to be rated, a valuable chronometer, which chronometer he, the said James Gilbert, delivered and deposited in trust at this place for that purpose to one Robert Ramage, a person employed in that office under the orders and directions of one Edward Gulliver, a harbour-master or port-captain in the service of the Government at said island. That on or about the 15th day of the said month of September, he the said James Gilbert, having a wish to take away said chronometer from said Time Office, did, in company with one Clement Hammond, proceed to said Time Office, when he, the said James Gilbert, requested the said Robert Ramage to deliver up and return out of deposit and trust unto him the said James Gilbert the said chronometer, whereupon said James Gilbert was told by said port-captain or harbour-master that the said chronometer could not be given up, as per affidavit, a copy of which is hereunto attached (marked AC). That on the 18th day of said month of September he the said James Gilbert sent a written request (which proved unsuccessful) to said harbour-master or port-captain for the immediate return of said chronometer, as per letter, a copy of which is hereunto annexed (marked AD). That thereupon he the said James Gilbert felt himself called upon to institute proceedings at civil law against him the said Edward Gulliver; and the said James Gilbert did further declare unto me, the said William Carrol, in the capacity aforesaid, that, from the unfounded reports and the extraordinary conduct of the said Tobias Davis, junior (the chief mate of said barque "*Jones*"), he felt bound to call upon, and did call upon, one Clement Hammond, before-named, to testify as to some injurious and other words he, the said Tobias Davis, junior, had publicly expressed in respect of the said James Gilbert and the said Francis W. Sexton, and the said barque "*Jones.*" That being so called upon, he the said Clement Hammond, on the 19th day of said month of September, did so testify to the same as per affidavit, a copy of which is hereunto attached (marked AE).

And the said James Gilbert did on the same 19th day of September further declare, that the said James Gilbert and Francis W. Sexton aforesaid, being up to that time deprived and prevented from going on board said barque "*Jones*" to procure their wearing apparel, they being destitute of clothing, except what they then stood in, that he the said James Gilbert, on the day last named, did send a written communication by the before-named Thomas Storer, addressed to the said E. Littlehales in that behalf, as per letter, a copy of which is hereunto attached (marked AF), but to which communication he the said James Gilbert understood from the said Thomas Storer "there was no answer," the delivery of which letter, and the delivery of a former letter from the said James Gilbert to the said E. Littlehales by the said Thomas Storer, is fully seen, as per declaration hereunto attached (marked AG). And he the said James Gilbert did further declare unto me the said William Carrol, in the capacity aforesaid, that, in further confirmation of the cruel and malicious propensity and unmanly principles of the said Tobias Davis, junior, he the said James Gilbert deemed it to be his further duty to call upon one George Moss, an inhabitant of said island, to vouch as to further most unjustifiable expressions he the said Tobias Davis, junior, had uttered in the presence and hearing of him the said George Moss, in respect of the said barque "*Jones.*" That he the said George Moss, being so called on, did, on the 7th day of the following month of October (he being unable to conveniently do so sooner), testify to the same, as per affidavit, a copy of which is hereunto attached (marked AH); that to further establish the diabolical disposition and propensities of him the said Tobias Davis, junior,

in respect of said barque "*Jones*," the said James Gilbert felt himself again bound to call upon one Saul Solomon, a merchant and agent, inhabitant of said island, which said Saul Solomon did, on the 25th day of the said month of September, testify to the same, as per affidavit hereunto attached (marked AI). And the said James Gilbert did further declare unto me the said William Carrol, in the capacity aforesaid, that at the time the said brigantine "Dolphin" took said barque "*Jones*" out of the possession of him, the said James Gilbert, there were on board, as cargo, various goods, wares, and merchandize, to the best of his knowledge, belief, and recollection, belonging to the owners of said barque "*Jones*," to the value of 26,916 Spanish dollars and 4 cents, at the first or prime cost of the same, as per list, a copy of which is hereunto attached (marked AJ).

And the said James Gilbert did further declare unto me, the said William Carrol, in the capacity aforesaid, that at the same time the said brigantine "Dolphin" took said barque "*Jones*" out of the said possession of him the said James Gilbert, there were then on board the last-named vessel, to the best of his knowledge, belief, and recollection, various articles of stores belonging to said barque "*Jones*," the property of her owners, as per list hereunto attached (marked AK), amounting to 5107 Spanish dollars and 45 cents.

And the said James Gilbert did further declare unto me the said William Carrol, in the capacity aforesaid, that at the same time such possession was so taken of said barque by said brigantine "Dolphin," there likewise were on board said barque, to the best of his knowledge, belief, and recollection, various goods and other private property belonging personally to him the said James Gilbert, as per list hereunto attached (marked AL), amounting to 1414 dollars and 75 cents. And the said James Gilbert did further declare unto me, the said William Carrol, in the capacity aforesaid, that at the same time such possession was so taken of said barque, by said brigantine "Dolphin," there likewise were on board said barque, to the best of his knowledge, belief, and recollection, property belonging to the said Francis W. Sexton, and property belonging to one George Tuinnson deceased, (second mate of the American brig "*Sarah Elizabeth*,") and likewise property belonging to one Farnham Frye deceased, (belonging to said barque "*Jones*,") the said three persons being native citizens of the United States of America.

And the said James Gilbert did further declare unto me, the said William Carrol, in the capacity aforesaid, that at the time such possession was so taken of said barque, by said brigantine "Dolphin," the log-book of said barque was on board said barque, and by him not since seen. And the said James Gilbert did further declare unto me, the said William Carrol, in the capacity aforesaid, that, at the time the request was made to him by the said E. Littlehales to see the manifest as before-mentioned, at the time said barque was taken possession of as before-mentioned, during the whole of the day following (Sunday), and until ten o'clock in the forenoon of the succeeding Monday, the Custom-house at said island was shut and closed, so that no access could be lawfully had thereunto for the purpose of obtaining an authentic copy of the manifest there deposited, for the information of the said E. Littlehales. And the said James Gilbert did further declare unto me, the said William Carrol, in the capacity aforesaid, that since the said barque "*Jones*" hath been taken possession of by the said brigantine "Dolphin," that he hath heard it reported that seven persons of the crew of the said barque, with their baggage, have been taken out of said barque and carried on board said brigantine "Dolphin," by the boats and people of the last-named vessel; and that the said Tobias Davis junior (mate), Henry Thomas (cook), and Henry Jenkins (steward), belonging to said barque, with two officers and other persons belonging to said brigantine "Dolphin," had been sent away from said island in said barque; and further, that he the said James Gilbert hath heard it also reported at said island, that the said barque "*Jones*" is destined direct for Sierra Leone, on said West Coast of Africa, for adjudication before the Vice-Admiralty Court at that place.

And he the said James Gilbert did further declare unto me the said William Carrol, in the capacity aforesaid, that he the said James Gilbert hath been credibly informed that the specie on board said barque "*Jones*," at the time of her being taken possession of as aforesaid by said brigantine "Dolphin," was taken from the said barque "*Jones*" by the people of the said brigantine "Dolphin," and that specie had been afterwards taken from said brigantine "Dolphin," by

her people and boats carried on board said barque "*Jones*;" and further that he the said James Gilbert hath been likewise credibly informed that a grindstone and a whole piece of Raven's duck, part of the stores of said barque "*Jones*," and belonging to the owners of said vessel, have been taken from said barque "*Jones*" since she was taken possession of by said brigantine "Dolphin," and carried on board the last-named vessel and brought into use, and further that he the said James Gilbert hath been likewise credibly informed that certain tobacco and shoes, being the private property of and belonging to him the said James Gilbert, have been taken from the said barque "*Jones*" since she was taken possession of by the said brigantine "Dolphin," and carried on board the last-named vessel, and there brought into use.

And he the said James Gilbert did further declare unto me, the said William Carrol, in the capacity aforesaid, that he the said James Gilbert verily believes that the proceedings aforesaid of said E. Littlehales have been caused partly from false data, and the false and wicked information of said Tobias Davis, junior, and other persons of the crew of said barque "*Jones*," whom he believes to have been instigated by the said Tobias Davis, junior, to that end, and thereupon principally, firstly by the hasty and afterwards by the deliberate acts, added to a rapacious desire of E. Littlehales to cause to be condemned as prize the said barque "*Jones*" and her said cargo, evidenced in the fact of said James Gilbert being prevented getting on board said barque with the papers of that vessel for exhibition, or of holding any communication with him, and which said barque was therefore sent away without such documents for adjudication aforesaid, although a Court of Vice-Admiralty exists at said island of St. Helena.

And he the said James Gilbert did further declare unto me the said William Carrol, in the capacity aforesaid, that he the said James Gilbert hath been put to the necessity of purchasing and procuring certain wearing apparel, bedding, and other necessaries, and that he has incurred and is incurring other expenses at said island in consequence of the premises.

Wherefore and by reason of the premises, he the said James Gilbert did declare to have protested, as by these presents he doth hereby most solemnly protest against the said E. Littlehales, and against all and every manner of person or persons acting for, by, or under him, or by his orders, authority, or directions, and against the said collector of Her Britannic Majesty's customs at said island, as also against the said harbour-master or port-captain of said island, and likewise against the said Tobias Davis, junior, and against all manner of person or persons whatsoever or whomsoever herein implicated directly or indirectly, their and each of their heirs, executors, administrators, or assigns, and against all and every other person or persons whom the same doth, shall, or may concern, for all and all manner of losses, costs, charges, damages, hurts, detriments, expenses, or other injuries, that have already arisen or happened to said barque, her stores, cargo, or other property on board, or voyage, or either, or which shall or may hereafter arise or happen to said barque, her stores, cargo, or other property on board, or the voyage, or either, in consequence of the premises aforesaid, to be recovered and received in time and place convenient, he the said James Gilbert reserving to himself the power or right of hereafter extending his protest whenever time, circumstances, or need may thereunto require it.

And he the aforenamed Francis W. Sexton did for himself declare, allege, and say unto me the said William Carrol, in the capacity aforesaid, in manner and form following, that is to say, that he the said Francis W. Sexton, being at said Ambriz, on said West Coast of Africa, in the months of June, July, and part of August last past, transacting lawful mercantile business for the house or firm of Putnam J. Farnham and Company of said New York, and owners of said barque "*Jones*," did, for the purpose of carrying out the objects of his said business, on or about the 8th day of the last-named month, quit and depart from said Ambriz in said barque "*Jones*," commanded by said James Gilbert, and as supercargo thereof. That for and in respect of the time of said vessel's arrival at said island of St. Helena, of proceeding on shore there with the said James Gilbert; of presenting himself in company with him, the said James Gilbert, at the Custom-house; of there entering said vessel, rendering a manifest at said Custom-house of goods intended for sale at said island; of placing the business of said vessel and cargo in the hands of the agent of said barque; of

said goods being advertised for sale, of a portion of which being landed and disposed of; of certain merchandise being purchased and shipped on board said vessel; of said barque "*Jones*" lying at anchor at said island from the day of arrival there until the 10th day of the month of September last past undisturbed and unmolested; of said barque "*Jones*" being on that day all ready to sail; of the expiring on that day of the liberty or leave of absence on shore at said island of Tobias Davis, junior, Henry Eastman, Charles Wentworth, and John R. Avery; of said last-named four persons refusing to proceed on said voyage in said vessel; of said barque being in consequence thereof prevented to depart and thereby detained; of said James Gilbert taking certain proceedings against said persons as exemplified in a certain protest by him made at said island, dated the 14th day of the month of September in the year of our Lord 1840; of said James Gilbert being on the 12th day of said month of September accosted in the public street by a person said to be the said Lieutenant E. Littlehales, requesting to see the said vessel's manifest, said James Gilbert's asking him his motive for making said request, said E. Littlehales repeating the request, observing that trouble would be saved to both parties if such request was complied with, and said James Gilbert stating there was a Custom-house at said island, when said E. Littlehales, turning round, went away; of said barque "*Jones*" being on the said 12th day of said September seized and taken possession of by armed men from said brigantine "Dolphin;" of certain large parties of the "Dolphin's" people going on board said barque on the 13th, 14th, 15th, 16th, and 17th days of said month of September, and to all appearance there disturbing that vessel's cargo; of going twice on the 14th day of said month of September alongside said barque with said James Gilbert, with a view of getting on board said vessel on business, he the said James Gilbert there and then speaking and making himself known as James Gilbert the master of said barque, and of being prevented so doing by an officer belonging to said brigantine "Dolphin" then on board in charge of said barque; of said James Gilbert writing to said William Carrol in his capacity as aforesaid respecting seizure of said vessel, and claiming his aid and protection; of said James Gilbert addressing said E. Littlehales on said subject; of sending last-named address by one Thomas Storer; of said James Gilbert calling personally on the aforenamed collector, reporting to him the foregoing proceedings, and exhibiting certain papers belonging to said barque, to wit, ship's register, manifest of outward cargo, clearance, bill of health, list of crew and ship's articles; of said James Gilbert and Francis W. Sexton's offering collector most readily all and every information in their power respecting said barque, her cargo, and voyage; of said James Gilbert immediately writing to said collector for relief and assistance to restore to him said barque; of said collector's reply thereto; of said James Gilbert's applying to said collector for the clearance of said barque; of said collector's further written communication with said James Gilbert, stating that said barque "*Jones*" was detained by said E. Littlehales, and of his said collectors then demanding payment of certain customs and charges; of said James Gilbert, in company with said Francis W. Sexton, proceeding to said Custom-house, with an outward manifest of cargo of said barque, and agreeably to law requesting a clearance for said vessel, and of refusal of said collector to comply with the same, of said James Gilbert having, on said 16th day of said month of September, wrote to said collector certain information to be by him communicated to said E. Littlehales; of observing indications on the said 17th day of said September of said barque's preparation to go to sea; of said James Gilbert and said William Carrol, in his capacity aforesaid, having, through the Colonial Secretary of said island, appealed to his Exeellency the Governor of said island, recapitulating the aforesaid particulars, claiming protection and restoration of property, and submitting to an investigation; of said collector's answer declining to communicate said certain information to said E. Littlehales; of said James Gilbert having made written application to said collector for a clearance for said barque; of said James Gilbert again writing to said collector urgently, and reiterating his wish that the certain information before mentioned should be without loss of time communicated to said E. Littlehales, and if on his non-compliance to hold said collector responsible for the same, requesting correspondence with said collector to be forwarded to the Honourable Commissioners of Her Britannic Majesty's customs

in England without delay; of discovering on the eighteenth day of said September, that said barque had during some time on the preceding night gone from the anchorage of said island; of said collector having sent said James Gilbert a reply to his last-named communication, but which was perfectly silent on the subject of his granting a clearance for said barque; of the said James Gilbert and the said William Carrol receiving through said Colonial Secretary replies from his said Excellency the Governor, stating his having no authority to interpose in any proceedings of Her Britannic Majesty's naval officers; of said James Gilbert bringing on shore from said barque a valuable chronometer for the purpose of being rated at the Time Office, and of being present when the harbour-master or port-captain in charge of said Time Office prevented the same from being given up; of one Clement Hammond's accompanying said James Gilbert to said Time Office; of said James Gilbert's applying there to have and repossess said chronometer; of said harbour-master or port-captain's preventing its being given up, and of said Clement Hammond likewise testifying as to certain improper expressions used by Tobias Davis, junior, against said James Gilbert, and said Francis W. Sexton, and said barque "*Jones;*" of one Thomas Storer testifying as to the delivery on board said brigantine "Dolphin" of two certain letters addressed from, and sent by, said James Gilbert to said E. Littlehales by said Thomas Storer; of one George Moss also testifying as to certain injurious expressions made use of by said Tobias Davis, junior, against and prejudicial to said barque "*Jones;*" of one Saul Solomon likewise testifying as to further certain injurious expressions also made use of by said Tobias Davis, junior, against and prejudicial to said barque "*Jones;*" of said James Gilbert's instituting proceedings at civil law against said harbour-master or port-captain, on account of the same; of said James Gilbert's writing to said E. Littlehales for the clothes of said James Gilbert and said F. W. Sexton; of there being on board said barque at the time said barque was taken possession of by said brigantine "Dolphin," as cargo, various goods, wares, and merchandise, to the best of his knowledge, belief, and recollection, belonging to owners of said barque "*Jones,*" to the value of twenty-six thousand nine hundred and sixteen Spanish silver dollars and four cents, as per list before named by the said James Gilbert (marked AJ); of certain stores at the time of said possession being taken of said barque by said brigantine "Dolphin," being likewise on board said barque, the property of said owners; of there also being on board said barque, at same time, certain private property belonging to said James Gilbert; of there likewise being on board said barque, at same time, certain property belonging to him the said Francis W. Sexton, to the value of one thousand and sixty-three Spanish silver dollars, as per list, a copy of which is hereunto attached (marked A M), and property belonging to one George Tuinnson, deceased, a native citizen of said United States, to the value of twenty-four Spanish silver dollars and seventy-five cents, as per list hereunto attached (marked AN), likewise property belonging to one Farnham Frye, deceased, also a native citizen of said United States, as per list hereunto attached (marked AO), amounting to eight hundred dollars; of the log-book of said barque "*Jones*" being left on board that vessel at the time she was taken possession of aforesaid, and not being by said Francis W. Sexton since seen; of, at the time of said E. Littlehales applying to said James Gilbert to see the manifest before mentioned at the time of said barque being taken possession of as before mentioned, and during the following day (Sunday), and until ten o'clock in the forenoon of the succeeding (Monday), the Custom-House at said island being shut and closed, and no lawful access being thereunto to be had for the purpose of obtaining an authentic copy of the manifest before mentioned and there deposited; of a current report in town of seven of the crew of said barque, with their baggage, having been by said brigantine "Dolphin's" boats and people taken out and carried from said barque and put on board said brigantine "Dolphin;" of another current report, said barque being bound to Sierra Leone, on said West Coast of Africa, for adjudication in the Vice-Admiralty Court there; and of the mate, the cook, and the steward (American citizens), with two officers and other persons belonging to said brigantine "Dolphin," having proceeded in said barque; of the further report that the specie on board said barque "*Jones*" at the time of her being taken possession of as aforesaid being taken from said barque and carried on board said brigantine "Dolphin" by the people and boats of the last-named vessel, and

of specie having been afterwards taken from said brigantine "Dolphin" by her people and boats on board said barque "*Jones;*" of said James Gilbert being credibly informed that a grindstone and a whole piece of raven's duck, part of the stores of said barque, and of certain tobacco and shoes, the private property of said James Gilbert, having been taken from said barque "*Jones*" since her said seizure, and carried on board said brigantine "Dolphin," and there brought into use; he the said F. W. Sexton did declare unto for truth. And he the said Francis W. Sexton did further declare unto me the said William Carrol, in the capacity aforesaid, that he, the said Francis W. Sexton verily believes that the proceedings aforesaid of said E. Littlehales have been caused partly from false data, and the false and wicked information of said Tobias Davis, junior, and other persons of the crew of the said barque "*Jones,*" whom he believes to have been instigated by the said Tobias Davis, junior, to that end, and other motives made manifest by said E. Littlehales' hasty, and afterwards deliberate acts, added to an apparent rapacious desire to condemn as prize said barque "*Jones*" and cargo, evidenced in the fact of said James Gilbert being prevented getting on board said barque with the papers of that vessel for exhibition, and of said E. Littlehales' adopting a system of non-intercourse, and which said barque was therefore sent away without such documents for adjudication aforesaid, although a Court of Vice-Admiralty exists at said island.

And he the said Francis W. Sexton did further declare unto me, the said William Carrol, in the capacity aforesaid, that by the said barque and cargo being taken possession of, and sent away as aforesaid, and thus his losing the lawful control of the said cargo in the capacity of supercargo as aforesaid, and being thus detained at said island, and now being necessitated to proceed hence to said United States of America, that certain lawful mercantile business and matters for account of said owners and of himself, awaiting his expected immediate return to said West Coast of Africa, will, and in all probability must suffer, and be seriously injured.

And he the said Francis W. Sexton did further declare unto me the said William Carrol, in the capacity aforesaid, that he the said Francis W. Sexton hath been put to the necessity of purchasing and procuring certain wearing apparel, bedding, and other necessaries, and that he has incurred, and is incurring, other expenses at said island, in consequence of the premises.

Wherefore, and by reason of the premises, he the said Francis W. Sexton did declare likewise to have protested, as by these presents he doth hereby most solemnly protest, against the said E. Littlehales and against all and every manner of person or persons acting for, by, or under him, or by his orders, authority, or directions, and against said Collector of Her Britannic Majesty's Customs at said island, as also against the said harbour-master or port-captain of said island, and likewise against the said Tobias Davis, junior, and against all manner of person or persons whatsoever and whomsoever herein implicated, directly or indirectly, their, and each of their heirs, executors, administrators or assigns, and against all and every other person or persons whom the same doth, shall, or may concern, for all and all manner of losses, costs, charges, damages, hurts, detriments, expenses, or other injuries that have already arisen or happened to said barque, her cargo, stores, or other property on board, and voyage, or either, or which shall or may hereafter arise or happen to said barque, her cargo, stores, or other property on board, and voyage, or either, in consequence of the premises aforesaid, to be recovered and received in time and place convenient, he the said Francis W. Sexton reserving to himself the power or right of hereafter extending his protest whenever time, circumstances, or need, may thereunto require it.

Thus done and protested at James' Town, in the Island of Saint Helena, this 7th day of October, in the year of our Lord one thousand eight hundred and forty, and of the Independence of the United States of America the sixty-fifth.

In witness whereof, I the said William Carrol do hereunto subscribe my hand, and affix the Consular Seal of my Office, at the place aforesaid, in the day, month, and year last above-written.

JAMES GILBERT. (L.S.)
FRANS. WM. SEXTON. (L.S.)

Witnesses:
GEORGE POOLEY.
M. W. CARROL.

(U. S. Seal.)

W. CARROL,
United States' Consular Commercial Agent.

Twenty-second Enclosure in No. 254.

List of Documents appended to the foregoing Protest, and referred to therein.

A.—(Copy.) Register of barque "*Jones.*"

B.—Copy.) Shipping articles of crew.

C.—(Copy.) List of crew.

D.—(Copy.) Manifest of outward cargo.

E.—(Copy.) Clearance of barque "*Jones*" at Boston.

F.—(Copy.) Bill of health at Boston.

G.—(Copy.) Manifest of cargo for sale at St. Helena.

H.—(Copy.) Handbill advertising articles imported in said barque for sale at St. Helena.

I.—(Copy.) Affidavit of James Gilbert and Francis W. Sexton, declaring that they were refused admittance on board said barque "*Jones*" by an officer of the "Dolphin," also (copy) affidavit of Thomas Chambers and John Chambers corroborating the same.

J.—(Copy.) Letter from James Gilbert to William Carrol, United States' Consul at St. Helena, detailing seizure of barque "*Jones,*" and requesting his interference.

K.—(Copy.) Letter on the subject from William Carrol to Lieutenant E. Littlehales.

L.—(Copy.) Declaration of John William Carrol that E. Littlehales would not receive the last-mentioned letter.

M.—(Copy.) Letter from James Gilbert to E. Littlehales.

N.—(Copy.) Letter from James Gilbert to John Young, Esquire, Collector of Customs at St. Helena.

O.—(Copy.) Reply to same, enclosing memorandum of port dues incurred by said barque "*Jones.*"

P.—(Copy.) Manifest of cargo at St. Helena of barque "*Jones,*" bound to South-west Coast of Africa.

Q.—(Copy.) Letter from James Gilbert to the Collector, enclosing information for E. Littlehales.

R.—(Copy.) Letter from James Gilbert to W. H. Seale, Esquire, C.S., at St. Helena, enclosing

S.—(Copy.) Application from said James Gilbert to the Governor of St. Helena respecting seizure of said barque.

T.—(Copy.) Letter from W. Carrol to said W. H. Seale, enclosing

U.—(Copy.) Letter from same to Governor.

V.—(Copy.) Letter from said Collector to James Gilbert, declining to deliver information to E. Littlehales.

W.—(Copy.) Declaration by George William Janisch.

X.—(Copy.) Letter from James Gilbert to said Collector, applying for clearance.

Y.—(Copy.) Letter, same to same.

Z.—(Copy.) Letter in reply to both preceding (X and Y).

AA.—(Copy.) Letter from said W. H. Seale in reply to S.

AB.—(Copy.) Letter from same in reply to U.

AC.—(Copy.) Affidavit of Clement Hammond.

AD.—(Copy.) Letter from said James Gilbert to E. Gulliver, Esquire, applying for chronometer.

AE.—(Copy.) Affidavit of said Clement Hammond as to Tobias Davis, jun.

AF.—(Copy.) Letter from James Gilbert to E. Littlehales, applying for clothing.

AG.—(Copy.) Declaration of Thomas Storer as to delivery and returning of letter M.

AH.—(Copy.) Declaration of George Moss.

AI.—(Copy.) Declaration of Saul Solomon as to assertions made by said Tobias Davis, junior, in his presence and that of the chaplain and clerk of "Dolphin."

AJ.—(Copy). List and value of cargo on board said barque when seized.

AK.—(Copy.) Ditto of stores, &c.

AL.—(Copy.) Ditto of private property belonging to James Gilbert on board the barque when seized.

AM.—(Copy.) List of property belonging to said Francis W. Sexton on board said barque when seized.

AN.—(Copy.) List of property belonging to the late Mr. George Tuinnson on board said barque when seized.

AO.—(Copy.) List of property belonging to the late Mr. Farnham Frye on board said barque when seized.

All the above are certified to be true copies of the original documents by W. Carrol, United States' Consular Commercial Agent at St. Helena.

Twenty-third Enclosure in No. 254.

CASE OF THE "WILLIAM AND FRANCIS."

Statement of an occurrence on board the barque "William and Francis," *Peter Flowery master, on her late voyage from Havana to the river Bras, on the coast of Africa, loaded with tobacco, rum, dry goods, and specie.*

New York, February 1, 1841.

NOTHING material occurred on the passage, except tempestuous weather, until her arrival at the river Bras, on the 30th day of September, 1840, where she landed her cargo. On the 15th of October, about six A.M., being ready for sea, in sand ballast, sailed from the said river, bound to Bonair, in the Carribean Seas, for a cargo of salt. At about eight A.M., in beating out of the river discovered a vessel outside the bar, supposed by the negro pilot to be a British man-of-war, and wished to be discharged for fear of being pressed into the English service, but was persuaded by Captain Flowery they had nothing to fear, that he might be enabled to clear the bar in safety. But their fears were increased when the boats were manned and putting towards the "*William and Francis*;" so great was their consternation and dread of the English that they left the barque by jumping overboard, without a discharge from Captain Flowery. About ten A.M. the "*William and Francis*" was boarded by two boats' crews from the English vessel; the officer of the first boat was requested to come on board, and leave his crew in the boat; but instead of so doing he ordered his men to board said barque, being armed with pistols, cutlasses, carbines, &c., to the number of 18 men, and when on board the officer drew up his men, and said to Captain Flowery that he took possession of the vessel, and if he made any resistance that he would blow out his brains, at the same moment levelling a pistol at Captain Flowery's head, being the first salutation given by the British officer. He was asked by Captain Flowery what he wanted; his reply was a peremptory demand for the ship's papers, which Captain Flowery said, most willingly; and when produced by Captain Flowery he (the officer) demanded possession of said papers, which were retained in Captain Flowery's hand, open, that they might be read by said officer. The Captain stated that he would reproduce them to his (said officer's) commander. The officer then told Captain Flowery's men they might work or not, as they pleased; that he took possession of the vessel, and ordered the anchor *let go*. Captain Flowery replied that he would bring her to anchor himself, which was done. At M., the British man-of-war anchored close to the "*William and Francis*," when the commander came on board with two boats' crews, armed in like manner as the previous boat's crew; the first boarding officer told his commander that Captain Flowery refused to deliver up his register, and recommended the papers (crew list and charter papers) and Captain Flowery's insolence to his notice. Captain Flowery then produced his register, and held it

for their perusal as before stated; the commander persisted in demanding possession of the register, which Captain Flowery would not permit, for fear of its being destroyed, as the officers said they believed her to be Spanish property under American papers. The commander then ordered the crew of the "*William and Francis*" mustered, which was done, after which a search was made in the cabin, in trunks, and among clothing belonging to the captain and officers of the "*William and Francis,*" opening sealed letters, barrels of bread, &c. The commander then said if he found 20 barrels of bread on board he would take her as a prize to Sierra Leone; and further, if he had fallen in with her previous to discharging, and found the specie on board, he would have condemned her as a *bonâ fide* prize. Captain Flowery replied he might do so, as he had the power, but it would be an act of piracy, being money legally shipped, for which bills of lading were signed. The commander, in a high state of feeling, told Captain Flowery he was a d——nd saucy Yankee. About five P.M. they left the "*William and Francis,*" after keeping Captain Flowery under a guard of four men with drawn swords since ten o'clock A.M. The vessel's name was said to be Her Britannic Majesty's brig "Forester."

All of which is respectfully submitted.

(Signed) PETER FLOWERY.

114, *Madison Street.*

No. 255.

Viscount Palmerston to Mr. Fox.

(Extract.) *Foreign Office, April* 21, 1841.

It appears that on several occasions vessels belonging to the United States have been freighted from Rio de Janeiro to various places in Africa, for carrying to those places equipments and cargoes intended to be there transferred to slave vessels, and that the United States' Commodore Ridgeley, has assured Mr. Ouseley, that upon receiving officially the information which Mr. Ouseley has led him to expect upon this subject, he will send some men-of-war at once to the coast of Africa, to seize any United States' vessel thus employed, and to send them to the United States for trial.

I am to desire that you will by note communicate the substance of the enclosed papers to Mr. Forsyth, expressing in that note the gratification of Her Majesty's Government at this proof of the readiness of the officers of the United States' navy to act in concert with Her Majesty's officers for the suppression of the African Slave Trade.

No. 256.

Viscount Palmerston to Mr. Fox.

Foreign Office, April 22, 1841.

Circular sending Convention with Hayti.

(See No. 1.)

No. 257.

Viscount Palmerston to Mr. Fox.

Foreign Office, May 8, 1841.

Circular Instructions against holding or being interested in Slave property.

(See No. 2.)

No. 258.

Viscount Palmerston to Mr. Fox.

Foreign Office, May 11, 1841.

Circular as to proposed Instructions to United States' Functionaries in Slave-holding countries.

(See No. 3.)

No. 259.

Viscount Palmerston to Mr. Fox.

SIR, *Foreign Office, May* 24, 1841.

WITH reference to my Despatch of the 9th of February, 1841, enclosing a copy of a letter which by my directions had been addressed to the Secretary of the Admiralty respecting American vessels engaged in Slave Trade, I herewith transmit to you, for your information, a copy of a further letter which, by my directions, has been addressed to that department upon the subject in question.

I have, &c.

H. S. Fox, Esq.
&c. &c.

(Signed) PALMERSTON.

Enclosure in No. 259.

Lord Leveson to Sir John Barrow.

SIR, *Foreign Office, May* 18, 1841.

I HAVE laid before Viscount Palmerston your letter of the 3rd instant, enclosing copies of the instructions which have been given to the Commanding Officers of Her Majesty's cruisers, "to abstain from capturing American vessels engaged in Slave Trade." And I am to request that you will state to the Lords Commissioners of the Admiralty, that Lord Palmerston is of opinion, that where there is good reason to suspect that a vessel, met with by Her Majesty's cruisers, may not be American, and may be engaged in Slave Trade, the mere fact that she hoists an American flag ought not to protect such vessel from being boarded for the purpose of examining her papers, and that if such vessel shall be found to have on board American papers, which are evidently irregular and imperfect, or if, having regular American papers on board, she shall also have papers of another country, which has conceded to Great Britain the right of search, such vessel ought, in either of those cases, to be searched; and vessels so circumstanced, if, upon search, they are found to be equipped for Slave Trade, or to have slaves on board, ought to be detained, and to be sent in for adjudication to the proper tribunal, according to the nature of the case. That is to say, if the vessel so detained shall not have papers sufficiently regular to entitle her to claim the protection of the flag of any nation, she should be sent to a British Court of Admiralty or Vice-Admiralty, under the provisions of the Act of the 2nd and 3rd Victoria, cap. 73; and if she should have papers proving her to be entitled to the protection of the flag of any country which has conceded to Great Britain the mutual right of search, she should be dealt with in the manner prescribed by the Treaty concluded between Great Britain and that country.

I am to add, for the information of the Lords of the Admiralty, that Her Majesty's Advocate-General concurs in opinion with Lord Palmerston upon these points.

I am, &c.

Sir J. Barrow,
&c. &c.

(Signed) LEVESON.

No. 260.

Viscount Palmerston to Mr. Fox.

SIR, *Foreign Office, June* 28, 1841.

I TRANSMIT to you herewith a copy of a letter from Lord Francis Russell, requesting to know the result of an application made in April, 1840, by Messrs. Stilwell, as agents for the officers and crew of Her Majesty's sloop "Harlequin," on account of claims preferred by them for the proceeds of the American ship "*Wyoming*." And with reference to my despatch to you, Slave Trade, of the 30th of May, 1841, I have to desire that you will acquaint me with the result of the representation which in that despatch you were instructed to make to the United States' Government upon this subject.

I am, &c.

H. S. Fox, Esq. (Signed) PALMERSTON.
&c. &c. &c.

Enclosure in No. 260.

Lord Francis Russell to Viscount Palmerston.

MY LORD, 22, *Arundel Street, Strand, June* 19, 1841.

WITH reference to a letter addressed to your Lordship on the 29th of April, 1840, by Messrs. Stilwell of Arundel Street, the agents appointed by myself, the officers and company of Her Majesty's sloop "Harlequin," late under my command, enclosing, for transmission to the President of the United States of America, an application founded on a decree of condemnation in the District Court of New York, dated 19th of October, 1839, in the case of the American ship "*Wyoming*," directing the vessel to be sold and the proceeds to be distributed according to law, for such part thereof as the captors would have been entitled to, had they been American subjects, and praying that that Government would in addition grant the captors the whole or some part of that portion of the proceeds forfeited to the Government.

As no reply to the letter in question has been received, I request to be informed what steps have been taken by your Lordship, and if any reply has been received from America on the subject.

I have, &c.

(Signed) F. RUSSELL,
Commander, late Her Majesty's ship "Harlequin."

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

No. 261.

Viscount Palmerston to Mr. Fox.

SIR, *Foreign Office, July* 14, 1841.

I HEREWITH transmit to you, for communication to the United States' Government, a copy of a letter and of its enclosure, from the Admiralty, containing intelligence respecting Slave Trade under the flag of the Union.

I have, &c.

H. S. Fox, Esq. (Signed) PALMERSTON.
&c. &c.

First Enclosure in No. 261.

Sir John Barrow to Mr. Backhouse.

Admiralty, June 25, 1841.
(*Received June* 26.)

SIR,

I AM commanded by my Lords Commissioners of the Admiralty to send you herewith, for the information of Viscount Palmerston, a copy of a letter from Captain Tucker, of Her Majesty's sloop "Wolverene," dated the 16th of March last, containing information relative to the Slave Trade.

I have, &c.

J. Backhouse, Esq.
&c. &c.

(Signed) JOHN BARROW.

Second Enclosure in No. 261.

Commander Tucker to Mr. More O'Ferrall.

Her Majesty's sloop "Wolverene," at sea, latitude 5° 9′ *N.*
longitude 9° 28′ *W., March* 16, 1841.

SIR,

I HAVE the honour to report, for the information of the Lords Commissioners of the Admiralty, that on the 16th instant, off Sestos, I fell in with the United States' corvette of war "Cyane," Commander Latimir, and sent an officer on board of her to afford her commander every assistance, and to give him every information in my power relating to vessels sailing under the American flag, to which he returned a very polite and courteous answer, regretting he was in great haste to reach Grand Bassa and Mesurado, and wished to take every advantage of the present slant of wind in his favour, to run over the current, or he should have had great pleasure in calling on me. I regret I had not the opportunity of seeing and informing him of the number of vessels which have covered, or are reported to have covered and protected the nefarious Traffic in Slaves, by the use and abuse of the American flag during the last year, although there have been two United States' ships of war on the station, the said vessels not affording any proof of being Spanish property; but I still more and very deeply regret that the American men-of-war remain so very short a time on the coast, and do not visit the coast to leeward of Cape Palmas, as a great number of vessels engaged in the Slave Trade under the protection of the American flag are to be found in the Bights of Benin and Biafra, and the coast to the southward, as is proved by the following extracts of returns of vessels boarded by the squadron under my orders, and the extracts from different letters from the commanders.

The American men-of-war, I am convinced, have been of service on this coast, inasmuch as the knowledge of it has prevented many vessels from raising their flag, which were therefore obliged to resort to the Portuguese or Spanish flags, in proof of which I beg to report that I received information from a creditable quarter, that eleven vessels were to follow the American brig "*Douglas*" to the River Nun, to take the slaves purchased with the cargo carried in her by the consignee, Don Pablo Frexas. I detained the two first in the River Nun, two escaped with slaves, then I detained the "*Palmira,*" one of the eleven, off the Nun, but she was under Spanish colours. The "Forester" detained another, the "*Recurso,*" off the Nun under the Portuguese flag, and chased another off the Nun and prevented her entering by strictly blockading it with vessels and boats, which were fired upon by her.

I have, &c.

(Signed) WILLIAM TUCKER,
Captain and Senior Officer in Command.

R. M. O'Ferrall, Esq.
&c. &c. &c.

No. 262.

Viscount Palmerston to Mr. Fox.

SIR, *Foreign Office, July* 16, 1841.

WITH reference to my previous Despatches to you respecting the United States' vessel the "*Tigris*," detained by Lieutenant Matson, of Her Majesty's brig "Waterwitch," on a charge of being concerned in Slave Trade, and sent to the United States' port of Salem, to be delivered up to the authorities of that place for trial, I herewith transmit to you, for your information, copies of correspondence which has passed between this office and Mr. Consul Grattan, and this office and the Admiralty, since the date of my last Despatch to you upon this subject.

I am, &c.

H. S. Fox, Esq., (Signed) PALMERSTON.
&c. &c. &c.

Enclosures in No. 262.

1. *Mr. Grattan to Viscount Palmerston, Boston, June* 14, 1841.
2. *Viscount Palmerston to Mr. Grattan, Foreign Office, July* 14, 1841.

(See Nos. 313 and 314.)

Third Enclosure in No. 262.

Sir John Barrow to Mr. Backhouse.

SIR, *Admiralty, June* 24, 1841.

I AM commanded by my Lords Commissioners of the Admiralty to send you herewith, for the information of Viscount Palmerston, the copy of a letter, No. 14, of the 3rd of April last, from Rear-Admiral Sir Edward D. King, and its several enclosures (in original), relative to the Slave Trade, as carried on upon the Brazils and Cape of Good Hope station, and the arrangements made for its prevention.

I am, &c.

J. Backhouse, Esq., (Signed) JOHN BARROW.
&c. &c. &c.

(Extract.) Fourth Enclosure in No. 262.

Rear-Admiral Sir E. D. King to Mr. More O'Ferrall.

SIR, "*Southampton*," *Simon's Bay, April* 3, 1841.

I HAVE the honour to enclose herewith the copy of a letter from Lieutenant Matson, of Her Majesty's brig "Waterwitch," dated the 19th of February last, reporting his proceedings in detaining the brig "*Tigris*" under the flag of the United States, for being concerned in the African Slave Trade.

I have carefully considered this case, and feel disposed to approve of Lieutenant Matson's conduct towards the vessel in question, as far as applies to her examination, and the measures he took to establish the facts; but it appears to me that he would have sufficiently met the merits of her offence had he forwarded the evidence against her to the American Government, without incurring the responsibility of taking possession and sending her in charge to that country.

Her Majesty's officers are certainly placed in great perplexity in dealing with vessels under the American flag which they find engaged in the Slave Trade. I have specially cautioned those under my orders to be most guarded in their conduct whilst boarding vessels bearing that flag, and which, by a strict but courteous examination of their papers, may prove to belong to American citizens, whether employed in the Slave Trade or not, reminding them that we have no convention with the United States conceding the right of mutual search, and I think the officers are generally very careful in this respect; but the vigorous measures recently adopted by Her Majesty's Government against vessels bearing

the flag of Portugal, under which so much of the Slave Trade was formerly carried on, having induced the persons engaged in that iniquitous pursuit to assume the flag of America and to disguise themselves so thoroughly by fictitious papers, mixed crews, and other contrivances for which there is great facility, the cruisers find great difficulty in discerning what vessels are really entitled to its protection, and from a proper desire not to give cause for offence to that Government, no doubt allow many vessels to escape which a more severe scrutiny would have detained.

From what I have seen and heard since I assumed this command, I feel quite convinced that, unless a very different course indeed be adopted by the American Government from that at present pursued, there can be no reasonable hope of effectually and permanently checking the Slave Trade; for whilst that Government denies to British cruisers the right of searching, and almost that of boarding vessels under its flag, it applies no adequate means of its own, either to detect and punish American citizens engaged in the traffic, or to prevent Portuguese, Brazilians, and other foreigners from carrying it on under the apparent protection of the national colours.

The consequence is, that American slave-vessels, or vessels trading in slaves under that flag, swarm the coasts of Africa and Brazil to an extent far beyond general belief, and are daily increasing in number; at the same time that the masters of such vessels, knowing their impunity, treat the boarding officers from Her Majesty's ships with the greatest insolence and abuse, throw every vexatious impediment in the way of their properly performing their duty, and try all they can to provoke them to some hasty act of aggression or quarrel, so as to form a subject of complaint to the American Government.

I have, &c.
(Signed) E. D. KING,
Rear-Admiral and Commander-in-Chief.

R. M. O'Ferrall, Esq.
&c. &c. &c.

Fifth Enclosure in No. 262.

Commander Matson to Rear-Admiral Sir E. D. King.

Her Majesty's brig "Waterwitch," at sea,
February 4, 1841.

SIR,

I HAVE the honour to enclose copies of the documents relating to the American brig "*Tigris*," detained and sent to the United States by me for being engaged in the Slave Trade, which circumstance I repeated to Captain R. L. Baynes, C.B., in my letter of the 11th of October, 1840.

I have, &c.
(Signed) H. J. MATSON,
Lieutenant and Commander.

Rear-Admiral Sir E. D. King,
&c. &c. &c.

Sixth Enclosure in No. 262.

Commander Matson to the Secretary or Registrar of either of the Circuit Courts of the United States.

(See Thirteenth Enclosure in No. 253, page 203.)

Seventh Enclosure in No. 262.

(A.)

(Translation.)

Angola.—Deposition made by the Black called Hemé.

ON the 9th of October, 1840, in this town of Loando, province of Angola, in the dwelling-house of the most deserving Judge "Ordinary," Ignacio Joaquim de Mello Pereira, discharging the functions of a Judge "de Direito," in this province of Angola and its dependencies, whither I, the Notary, repaired for the purpose of a deposition taken at the instance of Lieutenant Henry James Matson,

commander of Her Britannic Majesty's brig of war the "Waterwitch," from the Black, Hemé, found by that Commander on board the American brig "*Tigris*;" and there being present Jose Francisco de Coutto and Philip Vellasco, who had been appointed interpreters, the said Judge tendered the oath on the Holy Gospels, in virtue of which he charged them well and truly, and without guile or malice, to declare and translate into the Portuguese idiom the depositions about to be made by Hemé, the black, who was present; and they, having taken the said oath, promising to comply with the above, proceeded to put to the black the queries enjoined them by the Minister; and Hemé deposed as follows:—

Is a native of the mountains of Guilengues, in Benguella; unable to tell his age, which seems to be thirteen or fourteen. Was brought there by one Nicolas, who sold him to one Joaquim Ferreira; was sold by him to Alexandro, and by him to Miguel Baptistor, inhabitant of Benguella, who bartered him to the merchant Joao Maria de Souza e Almeida. This latter kept him for service in his house, and sent him, with others of his slaves, to the beach, to collect some lime in barrels for domestic use; and during the time that deponent was taking care of some of the barrels, and that the slaves were fetching others, deponent, remaining alone on the beach, was seized by a crew of a boat belonging to some foreign vessel, on board of which he was carried. On the same day the vessel put to sea, and four days after he was transferred from thence to another vessel, where he now is, and whence he was sent for this day to make the present deposition before the above Minister. Thereupon the Minister ordered the present minute to be drawn up, which he signed, with the two interpreters and the witnesses who attended, and who have signed their names. Alvaro da Costa, Notary to the Judge "de Direito," who wrote this; also signed it, Mello Pereira; Alvaro da Costa; Joze Francisco de Couttho; Cross of the Interpreter Philip Vellasco; as witness, Francisco Texeira de Mirandez, Joze Gomez Rimirez.

Auto da Crime.

In the year of our Lord Jesus Christ 1840, 9th of October, in this town of Loando, in the dwelling of the most deserving Judge Ordinary, Ignacio Joaquim de Mello Pereira, serving the office in the absence of the proper Judge of this province of Angola, I, the notary, attended for the purpose of proceeding to an examination of any marks and impressions of irons that might be discovered on the skin of Hemé, the black. That was done at the requisition of the lieutenant who commands Her Britannic Majesty's brig-of-war the "Waterwitch." Now there being likewise present the notary of the correctional police, Manoel Antonio Rodriguez, he, I, the present notary, and the witnesses signed below, proceeded to the said examination, during which it was found that the said negro has not any marks of iron on his whole body, save some traces of pock-marks on the arms, and a very little scar in the face, about which the black, on being interrogated, replied that it proceeded from a wound caused a long while ago with a piece of wood. On being questioned whether it was not in the Isle of Thomas, or in some other place where that wound had been given, he made answer that the wound was occasioned in the Guilengues mountains in Benguella, his country, and that he never either was at, or heard of the Isle of Thomas. The Minister having thus finished the examination, ordered the present minute to be made out, which he signed along with all the rest.

(Signed) The Judge, IGNACIO JOAQUIM DE MELLO PEREIRA.

Witnesses, ARRENEO P. P. DE CARPO.
FRANCISCO R. DE MORIANDA.

I, the Advocate, Ignacio Joaquim de Mello Pereira, the Judge Ordinario, serving in lieu of the one "de direito," of the first instance, in this province of Angola and its dependencies, do make known, that to the end of its being on record, I caused the present to be made out by the notary under my orders, who wrote this, and that the signature underneath is that of the said notary, affixed for the sake of authentification. Loando, 9th October, 1840. Manoel Antonio Rodriguez wrote it.

(Signed) IGNACIO JOAQUIM DE MELLO PEREIRA.

Eighth Enclosure in No. 262.

(B.)

Captain Frye to the Lieutenant commanding Her Majesty's brig "Waterwitch."

SIR,

As you have detained the American brig "*Tigris*," under my command, under circumstances which to you are suspicious, I wish fully to explain all the circumstances of the case to you.

July 27, 1840.—I arrived at St. Thomé direct from Salem, United States of America; while there, finding my cook and steward drunk, I punished him, and sent him out of the cabin, and requested Joze de Castro to let me have a boy to carry to the United States to act as steward in the cabin; he let me have one, but as I did not much like his appearance he told me that if he did not prove good I might leave him with his friend John Almada, of Benguella, and for that purpose I got a passport for him. Upon arriving at Benguella, which I did on the 18th of September, I sent the boy on shore, and took a boy of J. de Almada on board to carry to the United States, and put him on the shipping articles. Letters which I carried to Benguella from J. de Castro to J. Almada I think explained all to him, and the purpose for which I wanted him, and what I was going to do with him.

October 7.—While I was on shore I saw your brig off the port; your boat soon after boarded the "*Tigris*," and upon the officer's asking about the boy, was told by the mate that he belonged to St. Thomé, and came from there; and his reasons were, that as I was not on board he thought there were less questions asked if he said he came from there. Soon my boat came on shore, and informed me of the boy's having been taken out of the brig by you; I immediately went on board, and upon getting there was told by the mate that he had told you the boy came on board at St. Thomé, and his reasons for so doing. Soon after your boat returned, bringing back the boy; and I now, thinking if I told you he came from Benguella, the different stories would lead to some detention, I said he belonged to St. Thomas, as J. de Castro, of there, is the one that gives him liberty to allow him to go to the United States. My log-book and shipping-articles are sufficient security for me, and even if I had him not logged, the custom of our vessels carrying these boys home to learn English would warrant me in it. You now have on board a Kroo boy that I took at Cape Palmas on my last voyage, and I had him with me 12 or 14 months; on my previous voyage I had taken one of these boys home; Cape Palmas was my first port, and then I had the boy on board, bringing him back, at the same time I took said Kroo boy on board. Were more proof wanting as regards my intention towards the boy, you will easily find it in the letters which J. de Castro wrote to John Almada of Benguella.

One part of my conduct to you I regret exceedingly, and which I am aware will lead me to great censure in the United States, that when you asked all my crew I did not check them; but seeing all give you the same answer, I was in hopes they did not recognise the boy, but was afterwards told by my mate that he had told them all to say that he came from St. Thomé, as they were not on oath.

(Signed) N. AUGUSTUS FRYE,
Commanding American brig "Tigris."

(Signed) Witness, SAMUEL BURNHAM, *Mate.*

Ninth Enclosure in No. 262.

(C.)

(Translation.)

Minute of Deposition made by Joao Maria de Souza e Almeida, Merchant of this place, respecting a boy, Gil, in the possession of deponent, as well as respecting another of the name of Heme (or Ime), who remained at Angola, according as the undersigned deposes:—

ON the 16th of October, 1840, in this town of Benguella, in the dwelling of the most meritorious Judge Ordinary and Captain, José Nunez de Costa,

whither I, the Notary, repaired by his desire, there appeared present Joao Maria de Souza e Almeida, merchant of this place, whom I identify and acknowledge as such, and said, on being interrogated by the Judge, that having handed over the boy Heme to the American vessel "*Tigris*," in place of another of the name of Gil, who was in possession of deponent, it became the occasion of the American vessel being taken by the English brig "Waterwitch." At the same time there also presented himself the Commander of the said English brig-of-war for the purpose of obtaining a copy of the present minute, when Almeida made the following deposition :—

That the merchant Joze de Castro Proza Maltros having transmitted to him from the Isle of St. Thomas, in the American vessel "*Tigris*," through the agency of her Captain, a black boy of the name of Gil, whom the said Castro was to have sent to English America to learn the art of cookery, as appears by the Document No. 1. Now Castro desiring that in lieu of him there might go another boy of the same size and quality, by reason of the said Gil being already domesticated in the said Isle of St. Thomas, and well acquainted with the country, and likewise because Gil might be unwilling to submit to certain rules which Castro must needs lay down to Gil, with the view of his acquiring that art; on which account the said Castro directed the exchange alluded to, to be effected. In consequence whereof, deponent ordered Heme to go in place of Gil, inasmuch as Heme is a boy of the same size, and a menial servant of deponent, as appears from Document No. 2; and Heme was on the eve of departing from hence to that island in order to join the said Castro; and as for the said black boy Heme giving out that he had been forcibly carried on board the said vessel "*Tigris*," and that therefore he had been kidnapped, it is downright at variance with truth; because, when deponent ordered him to leave work in order to accompany a sailor of the above vessel "*Tigris*," who came to receive from deponent the correspondence for Prince's Island, deponent gave Heme to understand that though he did not speak the language of the country, he was leaving for deponent's land of nativity; and that he accompanied the said sailor to the coast without being attended by any guard; neither was he a prisoner since he stood in the relation of a domestic servant going on the business of deponent's house, and that he therefore need be under no uneasiness. In this stage, deponent presented the black boy, Gil, who is in his possession, to the English Commander,* who recognized him for the same they had already seen on board the above American vessel "*Tigris*," when she sailed from the port of Ambriz for this port of Benguella; and when they examined that vessel, the Captain told them what is set forth in the deposition.

And in order that their declaration to that effect may be known, as well as for the purpose of its being on record for reference, he, the Judge, ordered the present minute to be drawn up, which the Judge, the deponent, the English commanders, and all those present signed with me, Joze Salomao de Lemos Pereira, examined notary, who penned it, also signed it.

(Signed) COSTA.

JOSE SALMAO DE LEMOS PEREIRA, 1840.
JOAO MARIA DE SOUZA E ALMEIDA.
H. J. MATSON.
A. B. CURROR.
FREDERICK ELSTONE.
MANUEL ANTONIO FRED. BARBOZA.
JOAQUIM MANOEL ESCORAO.

I attest that the above signatures were written at Benguella, October 16, 1840.

J. Emttr. J. S., O. Palm.

(Signed) JOZE SALMAO DE LEMOS PEREIRA, 1840, *Examined Notary.*

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* There is no ground for the assertion of their having recognised the boy as belonging to the nation of the Nagoinas, for they did not visit that vessel, or ever behold the boy, having departed before the time.

(Signed) The Notary SOLOMON.

I, the Captain Joze Nunes da Costa, Judge Ordinary of the Indies and of the Mines in this city of Benguella, &c. &c., make known that the above signature is that of the notary, under my orders, who wrote this, and that he signed it for the sake of authenticity. Benguela, October 16, 1840.

(Signed) J. S. DE LEMOS PEREIRA,
Notary.
JOZE NUNES DA COSTA.

Tenth Enclosure in No. 262.

(Translation.)

Public Instrument, containing an Extract from a Letter dated 6th of August, 1840, *written from the Isle of St. Thomas, and signed by Joze de Castro Roza Mattos to Joao Maria de Souza e Almeida of this place, as stated below :—*

You will receive by the hands of this American captain, who is my friend, a black boy, for whom I take the liberty to request that you will send me in exchange one of the same size, to the end that the said captain may carry him among his crew to America to learn to cook. You will receive from the same captain four doubloons, for which you will have the goodness to buy for me tobacco, ivory, and bees-wax, all packed up in a small chest. In case you should be disposed to transmit to me some tobacco, as a venture on your own account, you may entrust it to the same captain, he being a safe man. It was out of my power to forward the horses to you, for want of room; the captain told me he could not bestow them, as his vessel was already over-oaded.

The above is truly and faithfully extracted from the letter to which I refer, and which was d livered to its address. And the present extract was penned, signed, compared, and collated in this town of Benguella, on the 16th of October, 1840, by me, Joze Salomao de Lemos Pereira, examined notary, who wrote, and, with a view to legalization, signed it.

J. Emittr. S. L. Devere. P. O. Palm.

(Signed) JOZE SALOMAO DE LEMOS PEREIRA, 1840.

I, the Captain Joze Nunes da Costa, Judge Ordinary, and of the Indies and the Mines in this city, &c., notify that from the certificate of the notary under my charge who wrote this, it is known to me that the above is the public sign and token; and that the above are the signatures of the notary, whose name is affixed thereunto, and that I deem them authentic.

Benguella, October 16, 1840.

I, Joze Salomao de Lemos Pereira, Notary of the General, and of the Indies and Mines, who penned this.

(Signed) JOZE NUNES DA COSTA.

Eleventh Enclosure in No. 262.

(Translation.)

Public Instrument, exhibiting a Letter entered in the book called the Copyist of Letters, and written by Joze Maria de Souza e Almeida to Major Joze de Castro Roza de Matto, residing in Prince's Island, dated the 13th October, 1840, *as set forth below :—*

ACCORDING to your desire, Sir, I made the exchange which you ordered, sending, instead of the black boy in question, another of this country,

for the purpose you mention, and I shall be most happy to learn that what I have done meets with your approbation. The American captain, our friend, has paid me the four Spanish doubloons, which, according to our present course of 16,000 rees, amounted to 64,000 rees. I have purchased all that you will find specified in the enclosed invoice. The goods I send you come to 120 contos and 4850 rees, so that you are debited in the sum 60,850 rees, which I have charged to your account. I hope you will approve all I did in compliance with your order. I have not minded the high price; indeed I should have been glad to pay even a higher, provided I could send you a good article.

The above is a true copy from the respective book and article to which I refer; and I have delivered the copy to the bearer. This was written, signed, compared, and collated by me in this city of Benguella, on the 16th of October, 1840.

I, Jose Salomao de Lemos Pereira, examined Notary, who penned and signed it with the public sign and mark.

I, the Captain Joze Nunes da Costa, Judge Ordinary, and of the Indies and the Mines in this city, &c., notify, that in reference to the certificate of the Notary under my authority, who wrote this, it is known to me that the above are the public sign, mark, and signature of the Notary whose name is affixed thereunto, and that I deem them authentic.

Benguella, October 16, 1840.

I, Jose Salomao de Lemos Pereira, Notary of the General, and of the Indies and the Mines, have penned the above.

(Signed) JOZE NUNES DA COSTA.

Twelfth Enclosure in No. 262.

Lord Leveson to Sir John Barrow.

SIR, *Foreign Office, July* 13, 1841.

I HAVE laid before Viscount Palmerston your letter of the 24th ultimo, with its enclosures, respecting Slave Trade carried on under the United States' and Brazilian flags. And with reference to the account which these papers contain of the proceedings of Lieutenant Matson, in detaining the United States' brig "*Tigris*," on a charge of being concerned in Slave Trade, I am directed by Lord Palmerston to request you will observe to the Lords Commissioners of the Admiralty, that Lieutenant Matson ought not to have meddled with the "*Tigris*," when he found that she was really United States' property.

I am, &c.

Sir John Barrow, Bart. (Signed) LEVESON.
&c. &c. &c.

No. 263.

Viscount Palmerston to Mr. Stevenson.

Foreign Office, August 5, 1841.

THE Undersigned, &c., has received the notes addressed to him on the 13th of November, 1840, and on the 1st of March last, by Mr. Stevenson, Envoy Extraordinary and Minister Plenipotentiary from the United States, complaining of the search and detention of the United States' vessel "*Douglas*," and of the ill treatment of her crew, by Lieutenant Seagram, of Her Majesty's brig "Termagant," employed on the coast of Africa in suppressing Slave Trade.

In these two communications from Mr. Stevenson, it is stated, that on the 21st of October, 1839, Lieutenant Seagram boarded the "*Douglas*" while she was pursuing her voyage on the coast of Africa, examined the ship's papers and the passengers' passports, broke open the hatches, hauled down the American flag, and seized the vessel as a slaver; that he kept possession of her during eight days, namely, from the 21st of October, 1840, to the 29th of the same month; that the officers and men of the "*Douglas*" became ill from their exposure to the sun, and that, in consequence, three of them died, and the captain is still in bad health. And Mr. Stevenson expresses the confident expectation of the President of the United States, that Her Majesty's Government will make prompt reparation for the conduct of Lieutenant Seagram in this case, and will take efficient means to prevent the recurrence of such abuses.

The Undersigned has, in reply, to state that, in pursuance of the wish expressed by Mr. Stevenson on the part of his Government, a strict investigation has, by order of the Lords of the Admiralty, been made into the particulars of this case, and the result is as follows:—

Lieutenant Seagram, commanding Her Majesty's ship "Termagant," employed in suppressing the Slave Trade on the coast of Africa, had been apprised by the commanding officer of Her Majesty's ships on that coast, of an agreement entered into by that officer with Commander Paine, of the United States' Navy, for searching and detaining ships found trading in slaves under the United States' flag; and Lieutenant Seagram having, on the 21st of October, 1839, met with the ship "*Douglas*" carrying the flag of the Union, he boarded her and made inquiries as to the voyage on which she was bound. Lieutenant Seagram was received on board the "*Douglas*" with great incivility, and a disinclination was shown to reply to any questions relating to her voyage; but he ascertained that she was bound to the River Bras, and he found on board of her seven Spaniards, who were going to that river, where no trade but the Slave Trade is carried on.

Lieutenant Seagram requested to see the papers of the "*Douglas*," but the captain of the "*Douglas*" could produce no custom-house clearance, and had made an entry on his log that on leaving the Havana he could not procure one, and that he had returned to the harbour to obtain such a paper, but had left the harbour again without it. This circumstance appeared suspicious to Lieutenant Seagram; and on examining the papers produced by the captain of the "*Douglas*," he found that the "*Douglas*" was consigned to a well-known slave-trader, Don Pablo Frexas, who was then on board of her, and to whom the slaving vessels "*Asp*" and "*Lark*," which had been recently condemned for Slave Trade, had been consigned.

Lieutenant Seagram pressed for permission to examine the hold of the vessel, and the consignee gave him permission to examine her freight, because he conceived that it was protected by the United States' flag; and under the same impression he acknowledged to Lieutenant Seagram that her cargo was Spanish, and had been shipped as American solely for the purpose of avoiding seizure.

The hatches of the vessel having then been opened, and Lieutenant Seagram having proceeded to examine her, it was discovered that she was fitted out for Slave Trade, with leaguers, hoops, and staves, a slave-deck in planks, and three complete slave-coppers.

Lieutenant Seagram reports, that under these circumstances he should have sent the "*Douglas*" to the United States to be delivered up to the authorities of that country, but that he had received orders from the commanding officer of Her Majesty's vessels on the coast of Africa, not to send any vessels to the United States until he should have been informed what course the United States' Government took as to the slave-vessels the "*Eagle*" and "*Clara*," which had been sent to the United States by that commanding officer, with a view to assist the American Government in preventing the abuse of the national flag of the Union.

But Lieutenant Seagram, not having received any information on this point at the end of eight days after the detention of the "*Douglas*," thought it his duty then to release the "*Douglas*," instead of detaining her longer or sending her to the United States.

From the facts above stated, there appears little doubt that if the "*Douglas*"

had been sent to the United States, she would have been condemned for trading in slaves under the flag of the Union; and had she been tried before the Mixed Commission at Sierra Leone, the proofs that the slave-trading voyage on which she was engaged was in fact a Spanish enterprise were strong enough to have warranted her condemnation in the British and Spanish Court, as a Spanish slaver.

With respect to the assertion that three men died from the effects of exposure to the sun, in consequence of the detention of the vessel, the Undersigned has to state, that it appears that the vessel remained on her own account in the African seas two months after her detention by Lieutenant Seagram; and as none of the men died until after those two months, there seems no reason to suppose that the death of the two men in question was occasioned by the detention of the vessel by Lieutenant Seagram.

With respect to the statement that Lieutenant Seagram ordered the American flag to be hauled down, it is to be observed, that the master of the "*Douglas*," in his protest, declares that he himself, and not Lieutenant Seagram, ordered the United States' flag to be hauled down.

As to any loss of provisions or stores, it is stated by the American master that the English prize-crew brought their provisions with them to the "*Douglas*;" and he does not even assert that they consumed any provisions belonging to the "*Douglas*," or that any of the stores of that vessel were lost.

With respect to the allegation of the American master, that the prize-crew had secreted one demijohn of rum, forming part of the cargo of the vessel, it seems probable that there is an error in that allegation, because the hatches of the vessel were opened and closed again in the presence of Lieutenant Seagram, and no complaint was made to that officer, either by the master or by the consignee, that any loss or damage had been done to the cargo; indeed the master, on resuming charge of his vessel, declared to Lieutenant Seagram that he had no complaint to make.

From the foregoing statement, it will appear that the visit, the search, and the detention of the "*Douglas*," by Lieutenant Seagram, took place under a full belief, on the part of that officer, that he was pursuing a course which would be approved by the Government of the United States; and in his conduct towards the crew of the vessel, he appears scrupulously to have avoided any act which would justly give cause of offence to a friendly Power.

The Undersigned has therefore to express the confident hope of Her Majesty's Government, that, upon a consideration of the whole case, the Government of the United States will be of opinion that, although the act of Lieutenant Seagram in detaining an United States' slave-trading vessel was in the abstract irregular, yet the impression under which he did it, and the motives which prompted him to do it, exempt him from any just blame.

But the Undersigned cannot refrain from requesting Mr. Stevenson to draw the serious attention of the Government of the United States to this case, which affords a striking example of the manner in which the vessels and flag of the United States are employed by Spanish, Portuguese, and Brazilian criminals, to protect their piratical undertakings, in utter contempt of the laws of the Union, and in open defiance of the Federal Government.

The Undersigned, &c.

A. Stevenson, Esq., &c. &c. &c.

(Signed) PALMERSTON.

No. 264.

Viscount Palmerston to Mr. Stevenson.

Foreign Office, August 5, 1841.

THE Undersigned, &c., has received the Note which Mr. Stevenson, &c., addressed to him on the 27th of February last, complaining that the schooner "*Iago*," bearing the United States' flag, and commanded by Mr. Adolphus Dupony, had been detained by Her Majesty's brigantine "Termagant," Lieutenant Seagram; and that the schooner "*Hero*," under the United States' flag,

and commanded by Mr. B. M'Connell, had been detained by Her Majesty's brig "Lynx."

Mr. Stevenson complains in the first place that injury was done in these cases to the purposes of the voyage, and to the cargo and stores on board the vessels detained; and he contends, in the second place, that Her Majesty's naval officers had no excuse, and much less any justification, for detaining these vessels; and he adds that it is wholly immaterial whether the vessels detained were equipped for, or actually engaged in Slave Traffic, or not.

With regard to the allegation of damages done to the cargoes of these vessels, the Undersigned begs to remind Mr. Stevenson that the papers which he transmitted to the Undersigned show that in the case of the "*Iago*," the money which was lost was stolen by the crew of the "*Iago*" while the master was absent on shore, and that it was not abstracted by the crew of the detaining vessel; and it is fair to presume that the chronometer and the watch which were also lost on board that vessel, were taken by the same persons who stole the money.

With respect to the damage said to have been done to the cargo of the "*Hero*" during the search of that vessel, the Undersigned has requested the Board of Admiralty to cause inquiries to be made upon that matter, and he will acquaint Mr. Stevenson with the result.

With regard to the justification which the British officers had for detaining these American vessels, with respect to the detention of which Mr. Stevenson says that there is "no shadow of pretence for exercising, much less justifying, the right of search or detention of vessels under the United States' flag by vessels of Her Majesty's navy," the Undersigned has to state, that a formal agreement was entered into on the 11th of March, 1840, by the commanding officer of Her Majesty's ships on the coast of Africa, and the officer commanding the vessel sent by the United States' Government to suppress the Slave Trade of the United States on the African coast; and by that agreement, those officers, for the purpose of "carrying into execution the orders and views of their respective Governments respecting the suppression of the Slave Trade, requested each other and agreed" to detain all vessels under the United States' flag, found to be fully equipped for and engaged in Slave Trade; and it was agreed that such vessels should eventually be handed over to the United States' cruisers if proved to be United States' property, and to British cruisers if proved to be Spanish, Portuguese, Brazilian, or English property.

The Undersigned would therefore submit that the commanding officers of Her Majesty's vessels had no reason to suppose that when giving effect to this agreement by detaining vessels bearing the United States' flag, and engaged in Slave Trade, they were doing a thing which would be disagreeable to the Government of the United States.

With respect to the "*Iago*," the Undersigned has to observe, that that vessel was fully equipped for Slave Trade; that the papers found on board of her were of a suspicious character; that all her crew but two were Spaniards; and Her Majesty's Advocate-General, to whom the case was referred, has reported it to be his opinion that the Commissioners at Sierra Leone would have been justified in proceeding to the adjudication of the vessel; and that if the case had been investigated by them, sufficient proof would have been afforded that the vessel was in reality Spanish, and not American property, and that, consequently, she was liable to condemnation.

The Undersigned trusts that the foregoing statement will show that there is good reason for doubting that any wilful damage was done to the cargo of either of the two vessels in question by the crews of the detaining ships; and that, although indisputably true that British cruisers have no right, as such, to search and detain vessels which are the property of citizens of the United States, even though such vessels may evidently be engaged in Slave Trade, yet in these cases the British naval officers acted in pursuance of a special agreement with a naval officer of the United States, and they were therefore justified in believing that, instead of doing anything which would be complained of by the Government of the United States, they were furthering the views and forwarding the wishes of that Government.

Such cases, however, cannot happen again, because positive orders were sent by the Admiralty, in February last, to all Her Majesty's cruisers employed for the suppression of the Slave Trade, not again to detain or meddle with United States' vessels engaged in the Slave Trade.

These orders have been sent by Her Majesty's Government with great pain and regret, but as an act due by them to the rights of the United States.

Her Majesty's Government, however, cannot bring themselves to believe that the Government of Washington can seriously and deliberately intend that the flag and vessels of the Union shall continue to be, as they now are, the shelter under which the malefactors of all countries perpetrate with impunity crimes which the laws of the Union stigmatize as piracy, and punish with death. But unless the United States' Government shall consent to make with the other Powers of Christendom, some agreement of the nature of that which their naval officer on the coast of Africa spontaneously entered into with the British naval commander on that station, these abuses will not only continue to exist, but will increase in magnitude every day; and the end will be, that the Slave Trade will be carried on exclusively under the shelter of the flag and by the special protection of the Executive Government of that nation whose Legislature was amongst the first to pronounce the crime infamous, and to affix to it the severest penalties.

The Undersigned, &c.

(Signed) PALMERSTON.

A. Stevenson, Esq.
&c. &c.

P.S.—I return to you, according to your request, the original papers enclosed in your Note of the 27th of February last, on the subject of the "*Iago.*"

No. 265.

Viscount Palmerston to Mr. Fox.

SIR, *Foreign Office, August* 5, 1841.

I TRANSMIT to you herewith for your information copies of correspondence which has passed between Mr. Stevenson and myself respecting the vessels "*Douglas,*" "*Hero,*" and "*Iago,*" which, while bearing the United States' flag, were detained by Her Majesty's cruisers, upon a suspicion that those vessels were engaged in Slave Trade.

I have, &c.

(Signed) PALMERSTON.

H. S. Fox, Esq.
&c. &c. &c.

Enclosures in No. 265.

1. *Mr. Stevenson to Viscount Palmerston, November* 13, 1840.
(See Class D., 1840, No. 114, p. 93.)

2. *Mr. Stevenson to Viscount Palmerston, February* 27, 1841.
(See No. 246.)

3. *Mr. Stevenson to Viscount Palmerston, March* 1, 1841.
(See No. 247.)

4. *Viscount Palmerston to Mr. Stevenson, August* 5, 1841.
(See No. 263.)

5. *Viscount Palmerston to Mr. Stevenson, August* 5, 1841.
(See No. 264.)

No. 266.

Mr. Stevenson to Viscount Palmerston.

32, *Upper Grosvenor-street, August* 9, 1841

MY LORD, (*Received August* 10.)

ON my return to London, after a temporary absence of a few days, I found the two communications which your Lordship did me the honour to address to me, under date of the 5th instant, in answer to my notes of the 13th of November, the 27th of February, and the 1st of March last, complaining of the seizure and detention of three American vessels, the "*Douglas*," "*Iago*," and "*Hero*," and the ill treatment of their crews, by Her Majesty's cruisers employed on the African coast in suppressing the Slave Trade. Having, in my previous communications, said all that I deemed important on the subject of these repeated aggressions upon the vessels and commerce of the United States, and the rights of their flag, I can have no inducement at this time to trouble your Lordship with any further remarks, and shall therefore content myself with transmitting to my Government, at the earliest day, copies of your Lordship's notes, with whom it will rest to decide upon the sufficiency of the explanations which they contain, in justification of the conduct of the commanders of Her Majesty's brigs of war the "Termagant" and the "Lynx."

It is proper, however, that I should seize the earliest opportunity to acquaint your Lordship that in relation to the agreement which it is alleged was entered into between the commander of the British squadron on the African coast, and the officer in command of the vessel sent by the Government of the United States to suppress the Slave Trade, allowing the mutual right of searching and detaining all British and American vessels found trading in slaves, I have no other information than that communicated in your Lordship's notes, and have had no reason to suppose that such authority had been confided by the American Government to any of its naval officers.

I pray your Lordship, &c.

(Signed) A. STEVENSON.

The Right Hon. Viscount Palmerston, G.C.B.,
&c. &c. &c.

No. 267.

Viscount Palmerston to Mr. Stevenson.

Foreign Office, August 17, 1841.

VISCOUNT PALMERSTON presents his compliments to Mr. Stevenson, and with reference to Mr. Stevenson's note of the 9th instant, has the honour to transmit herewith to Mr. Stevenson a copy of the agreement entered into between Captain Tucker of Her Majesty's sloop "Wolverene," and Lieutenant Paine of the United States' ship of war "Grampus," which was referred to in the notes addressed by Viscount Palmerston to Mr. Stevenson on the 5th inst., on the subject of the detention of the vessels the "*Douglas*," the "*Iago*," and "*Hero*," by Her Majesty's cruisers.

A. Stevenson, Esq.
&c. &c. &c.

Enclosure in No. 267.

Agreement entered into between Lieutenant Tucker and Lieutenant Paine, March 11, 1840.

(See Class D, 1840, Fifth Enclosure in No. 89, page 76.)

No. 268.

Viscount Palmerston to Mr. Stevenson.

Foreign Office, August 27, 1841.

THE Undersigned, &c. &c., has the honour to acknowledge the receipt of the note from Mr. Stevenson, &c., dated the 14th of August, 1840, in reply to the note of the Undersigned, dated the 23rd of April, 1840, on the subject of a complaint made by the American Government against the officer in command of Her Majesty's brig "Grecian," for having boarded the American merchant-ship "*Susan*," when off the light of Cape Frio, in the month of April, 1839.

The Undersigned begs leave to state to Mr. Stevenson, in reply to the remarks contained in his last note, that Her Majesty's Government do not pretend that Her Majesty's naval officers have any right to search American merchantmen met with, in time of peace, at sea; and if in some few cases such merchantmen have been searched when suspected of being engaged in Slave Trade, this has been done solely because the British officer who made the search imagined that he was acting in conformity with the wishes of the United States Government, in endeavouring to hand over to the United States tribunals ships and citizens of the Union found engaged in a flagrant violation of the law of the Union. Such things, however, will not happen again, because orders have been given which will prevent their recurrence.

But there is an essential and fundamental difference between searching a vessel and examining her papers to see whether she is legally provided with documents entitling her to the protection of any country, and especially of the country whose flag she may have hoisted at the time. For though by common parlance the word "flag" is used to express the test of nationality, and though, according to that acceptation of the word, Her Majesty's Government admit that British cruisers are not entitled in time of peace to search merchant-vessels sailing under the American flag, yet Her Majesty's Government do not mean thereby to say that a merchantman can exempt herself from search by merely hoisting a piece of bunting with the United States emblems and colours upon it: that which Her Majesty's Government mean is, that the rights of the United States flag exempt a vessel from search when that vessel is provided with papers entitling her to wear that flag, and proving her to be United States property, and navigated according to law. But this fact cannot be ascertained unless an officer of the cruizer, whose duty it is to ascertain this fact, shall board the vessel, or unless the master of the merchantman shall bring his papers on board the cruizer; and this examination of the papers of merchantmen suspected of being engaged in Slave Trade, even though they may hoist an United States flag, is a proceeding which it is absolutely necessary that British cruizers employed in the suppression of the Slave Trade should continue to practise, and to which Her Majesty's Government are fully persuaded that the United States Government cannot, upon consideration, object. Because, what would be the consequence of a contrary practice? What would be the consequence if a vessel engaged in the Slave Trade could protect herself from search by merely hoisting an United States flag? Why, it is plain that in such case every slave-trading pirate, whether Spanish, Portuguese, or Brazilian, or English, or French, or of whatever nation he might be, would immediately sail under the colours of the United States; every criminal could do that, though he could not procure genuine American papers; and thus all the treaties concluded among the Christian Powers for the suppression of Slave Trade would be rendered a dead letter; even the laws of England might be set at defiance by her own subjects, and the slave traders would be invested with complete impunity. Her Majesty's Government are persuaded that the United States Government cannot maintain a doctrine which would necessarily lead to such monstrous consequences; but the Undersigned is bound in duty frankly to declare to Mr. Stevenson that to such a doctrine the British Government never could or would subscribe. The cruizers employed by Her Majesty's Government for the suppression of Slave Trade must ascertain, by inspection of papers, the nationality of vessels met with by them under circumstances which justify a suspicion that such vessels

are engaged in Slave Trade, in order that if such vessels are found to belong to a country which has conceded to Great Britain the mutual right of search, they may be searched accordingly, and that if they be found to belong to a country which, like the United States, has not conceded that mutual right, they may be allowed to pass on, free and unexamined, to consummate their intended iniquity. Her Majesty's Government feel convinced that the United States' Government will see the necessity of this course of proceeding. But Her Majesty's Government would fain hope that the day is not far distant when the Government of the United States will cease to confound two things which are in their nature entirely different, will look to things and not to words, and perceiving the wide and entire distinction between that right of search which has heretofore been a subject of discussion between the two countries, and that right of search which almost all other Christian nations have mutually given each other for the suppression of the Slave Trade, will join the Christian league, and will no longer permit the ships and subjects of the Union to be engaged in undertakings which the law of the Union punishes as piracy.

The Undersigned, &c.,

A. Stevenson, Esq., &c. &c. (Signed) PALMERSTON.

No. 269.

Viscount Palmerston to Mr. Stevenson.

Foreign Office, August 27, 1841.

THE Undersigned, &c. has had under his consideration the note which Mr. Stevenson, &c. did him the honour to address to him under date of the 15th May, 1840, complaining of the detention of a brig under American colours called the "*Mary*" by Her Majesty's ship "Forester."

In this note Mr. Stevenson, assuming the information furnished to the United States' Government by Mr. Trist, their Consul at the Havana, to be complete and correct, prefers a claim for indemnity to the owners of the "*Mary*," and asks for the exemplary punishment of the commander of the "Forester" and those concerned in the proceedings taken by that officer against the "*Mary*;" proceedings which, in Mr. Stevenson's opinion, seem to want nothing to give them the character of a most flagrant and daring outrage, and very little, if anything, to sink them into an act of open and direct piracy.

The Undersigned has now the honour to inform Mr. Stevenson that the more particular information which has been furnished to Her Majesty's Government as to this vessel, places the question in a very different light from that in which it has been presented to the Government of the United States; and the Undersigned trusts that the following statement will satisfy Mr. Stevenson that although the vessel herself, being ill-built, might not have been intended actually to convey negroes from the coast of Africa, yet she was in reality the property of a Spanish slave-dealer, and was employed by him for the purposes of Slave Trade.

The papers found on board this vessel by the commander of the "Forester" showed that on the 24th January, 1839, a bill of sale was prepared at the Havana by Mr. J. A. Smith, the Vice-Consul of the United States at that port, setting forth that a permanent American register, No. 48, had been granted to the brig "*Mary*," of Philadelphia, on the 17th June, 1837, and that the brig was at that time owned by Joseph J. Snowden of Philadelphia, and was commanded by J. H. Haven. Joseph J. Snowden, the original owner, then gave a power of attorney and substitution to Charles Snowden, who again nominated Pedro Manegat, the notorious slave dealer, but who was described in that document merely as a merchant at the Havana, to sell and transfer the "*Mary*."

Eight days afterwards Pedro Manegat professedly sold the "*Mary*" to a person named Pedro Sabate of New Orleans, who on the 2nd May appointed as her master Charles Snowden, the same person who three months before had named Pedro Manegat as his agent to sell the "*Mary*," and on the 18th June

Pedro Sabate replaced Snowden by appointing David Tomlinson to the command.

This Pedro Manegat, the pretended seller, but real purchaser of the "*Mary*," is the same individual who in like manner owned the following nominally American vessels, namely, the "*Hyperion*," which left the Havana in December, 1838, as an American vessel, and was afterwards condemned as the Spanish schooner "*Isabel*;" the schooner "*Hayard*," which was detained, and erroneously released in February, 1839, under circumstances similar to those which mark the case of the "*Mary*;" and the "*Octavia*," also condemned as Spanish property, which last-named vessel Pedro Manegat had only employed as he did the "*Mary*," namely, to carry goods for the purchase of slaves to agents on the coast.

The Spanish master Tomas Escheverria, and a Spanish crew, were shipped on board the "*Mary*" as passengers; among them were several individuals who were recognised as having been formerly captured in slave vessels—Escheverria himself having been master of the Spanish schooner "*Norma*" when that vessel was captured with 234 slaves on board.

The ship's articles set forth that the crew were engaged to navigate the "*Mary*" from the Port of Havana to the Gallinas, or *wherever else the master may direct.*

In two of the three papers which the master, *David Tomlinson,* produced to prove his American citizenship, he is styled *Pilo B. Tomlimertz,* and in the third *P. B. Tomlinson,* while in the log enclosed in Mr. Stevenson's note he is called *Captain Thomason.*

The clearance and bills of lading showed that the owners of the cargo were Blanco and Carvallo, Pedro Martinez and Company, Pedro Manegat, and Tomas Escheverria (the Spanish captain), all well-known slave traders; and the consignees Tomas Rodriguez Buron, Ignacio P. Rolo, and Theodore Canot of the Gallinas, long and well known to the naval officers employed in suppressing the Slave Trade on the coast, as factors for the purchase and shipment of slaves.

Thus the papers produced to the captain of the "Forester" by Tomlinson were of themselves sufficient to show that this was one of the then frequent cases in which the flag of the United States had been fraudulently assumed, and all doubt was removed as to the real character of the undertaking in which the vessel was employed, when on further search there were found on board of her some slave coppers, two bags of shackles, large water leaguers, and a slave deck, the latter being noted as shipped under the denomination of 500 feet of lumber.

Under these circumstances the Undersigned is of opinion that the commander of Her Majesty's ship "Forester" was fully justified in considering the "*Mary*" to be a Spanish vessel, and consequently in taking her before the British and Spanish Court; and accordingly when the British Commissioners reported to Her Majesty's Government that the Judges had refused to allow the "*Mary*" to be libelled in that Court, under the impression that the mere fact of her having the American flag hoisted should have protected her from visitation and search by a British cruiser, the British Commissioners were told that there was in the opinion of Her Majesty's Government reason to suppose that the "*Mary*" was a Spanish, and not an American vessel, and that the Judges ought therefore to have allowed her to be libelled in the British and Spanish Court; for that although "British ships-of-war are not authorized to visit and search American vessels on the high seas, yet if a vessel which there is good reason to suppose is in reality Spanish property, is captured and brought into a port in which a Mixed British and Spanish Court is sitting, the Commissioners may properly investigate the case, and upon sufficient proof being adduced of the Spanish character of the vessel, and of her having been guilty of a breach of the Treaty between Great Britain and Spain for the Suppression of the Slave Trade, the Court may condemn her, notwithstanding that she was sailing under the American flag, and had American papers on board."

With respect to the general question of the search of vessels under the American flag by British cruisers, the Undersigned begs to refer Mr. Stevenson to his other Note of this day's date, relative to the case of the "*Susan*," in which the Undersigned has fully, and he hopes satisfactorily, replied to the representations made by Mr. Stevenson on that subject.

The Undersigned begs to return to Mr. Stevenson the log kept by John Hutton while acting as mate on board the "*Mary*," and avails himself, &c.

(Signed) PALMERSTON.

A. Stevenson, Esq.,
&c. &c.

No. 270.

Viscount Palmerston to Mr. Fox.

SIR, *Foreign Office, August* 31, 1841.

WITH reference to my Despatch of the 5th instant, relative to the search of vessels under the American flag by Her Majesty's cruisers, I herewith transmit to you the accompanying copies of correspondence which has passed between the Minister of the United States in this country and myself, relative to the case of the "*Susan*," which vessel was boarded and examined by Her Majesty's ship "Grecian."

I am, &c.

H. S. Fox, Esq., (Signed) PALMERSTON.
&c. &c. &c.

Enclosures in No. 270.

1. *Mr. Stevenson to Viscount Palmerston, August* 26, 1839.
(See No. 237.)

2. *Viscount Palmerston to Mr. Stevenson, September* 9, 1839.
(See No. 238.)

3. *Viscount Palmerston to Mr. Stevenson, April* 23, 1840.
(See No. 239.)

4. *Mr. Stevenson to Viscount Palmerston, August* 14, 1840.
(See No. 241.)

5. *Viscount Palmerston to Mr. Stevenson, August* 27, 1841.
(See No. 268.)

No. 271.

Viscount Palmerston to Mr. Fox.

SIR, *Foreign Office, August* 30, 1841.

WITH reference to my other despatch of this day's date about the American vessel "*Susan*," I herewith transmit to you, for your information, copies of correspondence which has passed between the Minister of the United States in this country and myself, relative to the case of the "*Mary*," detained under American colours by Her Majesty's ship "Forester."

I am, &c.

H. S. Fox, Esq. (Signed) PALMERSTON.
&c. &c. &c.

Enclosures in No. 271.

1. *Mr. Stevenson to Viscount Palmerston, May* 15, 1840.
(See No. 240.)

2. *Viscount Palmerston to Mr. Stevenson, August* 27, 1841.
(See No. 269.)

No. 272.

Mr. Stevenson to the Earl of Aberdeen.

32, *Upper Grosvenor Street, September* 10, 1841.
(Received September 11.)

THE Undersigned, Envoy Extraordinary and Minister Plenipotentiary from the United States, has the honour to acquaint the Earl of Aberdeen, Her Majesty's Principal Secretary of State for Foreign Affairs, that he has had the honour to receive the two communications addressed to him by Lord Viscount Palmerston, Her Majesty's late Principal Secretary of State for Foreign Affairs, under date of the 30th ultimo, upon the subject of the improper and harassing conduct of British cruisers towards the vessels and flag of the United States in the African seas. In communicating the decision of Her Majesty's Government upon the claims submitted to its consideration, it would have given the Undersigned great satisfaction to have represented that decision as one calculated to do justice to the individual claimants, and in accordance with the just rights and interests of his country. He had indulged a confident hope that the complaints which had been made upon the subject would have been followed not only by suitable atonement and reparation, but an immediate abandonment of the system of wrong and violence, to which the vessels and commerce of the United States had been so long exposed, by the misconduct of the British cruisers in the African seas.

This course he had expected, not less from the justice of Her Majesty's Government, than the friendly relations subsisting between the two countries. It is, therefore, with painful surprise and regret, that the Undersigned now learns from Lord Palmerston's communications, that these proceedings of Her Majesty's cruisers have not only been approved and justified, and the injuries which ensued to remain unredressed, but that a right is now asserted by Her Majesty's Government over the vessels and flag of the United States, involving high questions of national honour and interest, of public law, and individual rights. Having heretofore, in his correspondence with Lord Palmerston, discussed the merits of these claims, and the principles involved in them, and presented the views and expectations of his Government upon the subject, the Undersigned does not feel it incumbent on him at this time to open again the general discussion, or recapitulate the particular circumstances by which these cases might justly claim to be distinguished. Referring Lord Aberdeen to the previous correspondence which has taken place, the Undersigned will refrain from the further discussion of the individual cases, and content himself with a brief examination of those parts of Lord Palmerston's Note in which a power is for the first time distinctly asserted by Her Majesty's Government over the vessels and flag of the United States, in time of peace, on the high seas. In order to ascertain the precise nature and character of this new and extraordinary power, it may be proper to quote those parts of his Lordship's communication in which it is asserted. They are in the following words:—" The Undersigned begs leave to state to Mr. Stevenson, in reply to the remarks contained in his last note, that Her Majesty's Government do not pretend that Her Majesty's naval officers have any right to search American merchantmen met with in time of peace at sea. But there is an essential and fundamental difference between searching a vessel and examining her papers to see whether she is legally provided with documents entitling her to the protection of any country, and especially of the country whose flag she may have hoisted at the time. For though, by common parlance, the word 'flag' is used to express the test of nationality, and though, according to that acceptation of the word, Her Majesty's Government admit that British cruisers are not entitled in time of peace to search merchant vessels sailing under the American flag, yet Her Majesty's Government do not mean thereby to say, that a merchantman can exempt herself from search by merely hoisting a piece of bunting with the United States' emblem

and colours upon it. That which Her Majesty's Government mean is, that the rights of the United States' flag exempt a vessel from search when that vessel is provided with papers entitling her to wear that flag, and proving her to be United States' property, and navigated according to law." And again,—" The cruisers employed by Her Majesty's Government for the suppression of the Slave Trade must ascertain by inspection of the papers the nationality of vessels met with by them under circumstances which justify a suspicion that such vessels are engaged in Slave Trade, in order that, if such vessels are found to belong to a country which has conceded to Great Britain the mutual right of search, they may be searched accordingly; and that if they be found to belong to a country which, like the United States, has not conceded that mutual right, they may be allowed to pass on free and unexamined, to consummate their intended iniquity."

Here we have the direct assertion of a right on the part of British cruisers to board and detain all vessels sailing under the flag of the United States, whether American or not, for the purpose of ascertaining, by an examination of their papers, their national character, and deciding whether they are entitled to the protection of the flag of the country under which they sail. Now, it is proper to remark, that the attempt which his Lordship makes to distinguish between the right of search (which, however, he disclaims) and that which he asserts, is wholly fictitious. They are essentially the same, for all the purposes of the present discussion; indeed the right to board, detain, and decide upon the national character of vessels navigating the ocean in time of peace, may justly be regarded as more odious and insulting, and giving place to wider and more important injuries, than the right of search, which is purely a belligerent right, and cannot be enforced in time of peace. If the distinction, however, was admitted to be a sound one, yet nothing would be gained in support of the right which Lord Palmerston claims for Her Majesty's Government. The inquiry must still arise, whether a power even of visitation or detention can be rightfully and lawfully exercised by one nation over the ships of another, in time of peace, upon the high seas. That it cannot, the Undersigned will now proceed briefly to show.

And first, as to the principles of public law, and the usage of nations. By these it is expressly declared, that the vessels of all nations in time of peace, navigating the ocean, shall be exempt from every species and purpose of interruption and detention, unless engaged in some traffic contrary to the law of nations, or expressly provided for by treaty or compact. Although piracy is admitted to be an offence against the public law, and therefore punishable in every country, and by every nation, no matter where committed, it must yet be borne in mind, that all piracies are still not offences against the law of nations. Piracy, therefore, by the international law, and that which may be made so by the municipal laws of particular States, are essentially of a different character, and to be treated accordingly. Hence it is, that offences declared to be piracy by the municipal laws of any State can only be tried and punished by the country within whose jurisdiction, or on board of whose ships, on the ocean, the offence may have been committed. Now, Slave Trade is not cognizable under the laws of nations. Although prohibited by most nations, and declared to be piracy by their laws, and especially by the statutes of Great Britain and the United States, it is yet not an offence against the public law; and its interdiction cannot be enforced by the ordinary right of visitation, detention, or search, in the manner that it might be if it was piracy under the law of nations. That this is the acknowledged doctrine of international law cannot, it is presumed, be doubted. It is so expressly declared by all writers upon the law of nations, and has been acknowledged by the British Government, through its highest judicial tribunals. Her annals are full of instruction on the subject. The following is the language held by one of its most distinguished jurists:—" We are disposed to go as far in discountenancing this odious traffic as the law of nations and the principles recognised by English tribunals will allow us in doing; but beyond these principles we do not feel at liberty to travel. Formal declarations have been made, and laws enacted, in reprobation of this practice; and plans ably and zealously conducted have been taken to induce other countries to follow our example, but at present with insufficient effect; for there are nations which adhere to the practice under all the encouragement which their own laws give. What is then the doctrine of our own courts of the laws of nations? Why, that this practice is to be respected, their slaves, if taken, to be restored to their owners, and if not taken under innocent mistake, to be restored with costs and

damages." Again, "It would be, indeed, a most extravagant assumption in any court of the law of nations to pronounce that this practice, the tolerated, the approved, the encouraged object of law ever since man became subject to law, was prohibited by that law, and was legally criminal." Does Her Majesty's Government now mean to contend, that the Slave Trade is contrary to the law of nations? On the contrary, is it not lawful to all Governments who have not forbidden it, and consequently no right given to any one nation over the slave ships of another in time of peace, independent of express treaty stipulations, by which the extent of the power to be exercised must be regulated. The right, then, which Lord Palmerston asserts, derives no support from the principles of the public law, but is left to stand upon the grounds of expediency and necessity, as the only means of executing the existing treaties for the suppression of the Slave Trade, and without which his Lordship asserts they would become a dead letter! Whether this be so or not, the Undersigned has no means of judging, and deems it, therefore, unnecessary either to admit or deny it. The question, then, is not whether the power asserted might be necessary or expedient, but whether any such power exists. It is incumbent, then, upon Her Majesty's Government to show upon what principle of justice and right it claims the power of deciding upon the right of an independent nation to navigate the ocean in a time of peace, and this too for the purpose of executing treaties to which such nation is not a party, and consequently not bound. The signal error of Lord Palmerston is in assuming the necessity and expediency of the power, as proof of its existence! Was such a power ever before asserted in the manner, or to the extent, which is now done? On the contrary, has not the right of visitation and search been always regarded as exclusively one of a belligerent character? In proof of this, the Undersigned need only refer Lord Aberdeen to the authority of Great Britain herself on the subject. "I can find no authority (says the late Sir William Scott) that gives the right of interruption to the navigation of states upon the high seas, except that which the right of war gives to belligerents against neutrals. No nation can exercise a right of visitation and search upon the common and unappropriated parts of the ocean, except upon the belligerent claim." And again,—"No nation has the right to force their way for the liberation of Africa by trampling upon the independence of other states, on the pretence of an eminent good, by means that are unlawful, or to press forward to a great principle by breaking through other great principles which stand in their way." Now of all the principles ever attempted to be established in the past history of the dominion of the sea, few probably could be selected of more offensive and objectionable character than those asserted in Lord Palmerston's note. Indeed it is difficult to believe that his Lordship, or Her Majesty's Government, could seriously expect that any independent nation could for a moment acquiesce in doctrines involving the extravagant supposition of yielding to another the right of determining upon the terms and conditions upon which it should navigate the ocean in a time of general and profound peace. Such a power once submitted to, and there would be no species of national degradation to which it might not lead. That such would be the consequences, the Undersigned feels himself at liberty to suppose.

But if it were admitted, for the purpose of illustration, that such a right was even doubtful, still the United States, as well as other commercial nations, would be bound to demand its discontinuance, if attempted to be exercised in the manner indicated in Lord Palmerston's note. Under what restrictions and limitations could such a power be enforced? What competent tribunal would there be to determine on the degree of suspicion which is to justify the boarding and detention, and the right of determining the national character of all vessels under the flag of the United States? Would it not make every subordinate commander of a British cruiser the exclusive judge, and not only lead to angry and exciting irritations upon the ocean, but to painful discussions between the two Governments? What security would American merchantmen have against decisions made without evidence, or where all the rules of evidence might be violated with impunity? Would it not, from its very nature, be a power the exercise of which, in whatever form it might be guarded, could admit of no just limitation? The answer to these questions will best show how inconsistent with the peace of Great Britain and the rights of other states, the exercise of any such power would be attended.

But it is unnecessary to press this view of the subject further upon Lord Aberdeen's attention. The objection is one of *principle*, and not of *expediency*, and is therefore wholly incapable of being overcome by the manner or discretion in which the power might be exercised, or the limitations thrown around it. However softened in terms, or restricted, it must still be regarded as imposing restrictions upon the lawful commerce of neutral nations, and an innovation upon the liberty of the seas; a power which no independent state could submit to without surrendering its independence and sovereignty, and disregarding the high obligations of duty which it owes to itself and the other nations of the world.

Nor is there any force in the fact alleged by Lord Palmerston, and upon which great reliance is placed, that the flag of the Union is grossly abused by other nations, as a cover to their slave traffic. To what extent the flag of the United States may have been used for this purpose, the Undersigned and his Government have no means of judging. That it has been grossly abused, there is too much reason to believe and deplore. But what ever this abuse may have been, it can have no just influence either to strengthen or weaken the right asserted by Her Majesty's Government.

In relation to the conduct of other nations who seek to cover their infamous traffic by the fraudulent use of the American flag, the Government of the United States cannot be held responsible. It has taken the steps which it deemed best to protect its flag as well as its character from abuse, and will follow it up by such other measures as may appear to be called for.

The Government of the United States are not insensible to the force of the considerations which belong to the subject of the Slave Trade, nor have they failed to manifest their sensibility to whatever concerns its abolition. Nothing is further from the wish of the American Government than a desire to increase the difficulties or throw obstacles in the way of the execution of the existing treaties for its final extinction. This the Undersigned has, upon more than one occasion, had the honour of assuring Her Majesty's Government, and takes leave now to repeat to Lord Aberdeen. Anxious, however, as the Government of the United States are to promote the views of Her Majesty's Government on this subject, it cannot consent to do so by sacrificing the rights of its citizens or the honour of its flag.

Her Majesty's Government cannot be insensible of the importance and value of guarding the rights of neutrality from every species of violation. This duty belongs especially to great and powerful nations, such as Great Britain and the United States, not only as the best means of preserving peace, but giving security to weaker communities under the shadow of impartial justice. Among neutral nations there is probably not one more deeply interested than the United States. Their attitude is that of a neutral and peaceful power. The consistent and persevering policy of their Government has been displayed in defence of the rights of neutrality and the liberty of the seas. Desirous to manifest cordial good will to all nations, and maintain with each, not only relations of the most perfect amity, but those of a commercial character, upon the basis of a fair, equal, and just reciprocity, the United States will continue to give to their system of policy a sincere and steady adherence. Upon this basis the relations between Great Britain and the United States, as well as all other nations, can alone be expected to continue. The Undersigned, therefore, is happy to see in these relations, as well as the justice of Her Majesty's Government and the firmness of his own, the best reason to expect, not only an abandonment of the power which is now asserted with the whole system of vexatious interruption and surveillance to which the vessels and commerce of the United States have been subjected, but the future relations of the two countries placed upon the solid foundation of mutual interest and comity, and a more enlarged and liberal policy.

These are the views which the Undersigned has deemed it his duty to submit to Lord Aberdeen's consideration upon the doctrines contained in Lord Palmerston's note, so new and alarming to national sovereignty and sensibility, and the friendly relations of the two countries. He has presented them with the frankness and earnestness which their importance merited, and with the high respect due to Her Majesty's Government. He has, therefore, no other duty to perform, than to transmit Lord Palmerston's two notes to his Government, and to protest in the most solemn manner against their doctrines, as

alike inconsistent with the principles of public law, with the rights and sovereignty of the United States, and with that sense of justice and right which belongs to the British nation.

The Undersigned, &c.
(Signed) A. STEVENSON.

His Excellency the Earl of Aberdeen,
&c. &c. &c.

No. 273.

The Earl of Aberdeen to Mr. Stevenson.

Foreign Office, October 13, 1841.

The Undersigned, &c., has had the honour to receive the note of Mr. Stevenson, &c., dated on the 10th of September, in continuation of a correspondence with the predecessor of the Undersigned in this office; and relating to the visitation of vessels bearing the American flag, and suspected of being engaged in the African Slave Trade.

If the Undersigned feels it necessary to offer some remarks upon the note of Mr. Stevenson, he is desirous of doing so in the manner best calculated to insure a candid and impartial consideration; for he would deeply regret that any harshness or asperity of expression should aggravate the difficulties of a subject which is, at all times, but too liable to produce excitement and irritation. The Undersigned is aware of the susceptibility of national feeling, in all that affects national honour; and he requests Mr. Stevenson to believe that it is with the most unfeigned respect for the rights, honour, and independence of the United States, that he now proceeds to address him.

The Undersigned will forbear from entering into any particulars of the visitation of the vessels which has formed the principal matter of Mr. Stevenson's complaint to Her Majesty's Government, and which has been fully discussed in his correspondence with the predecessor of the Undersigned. That proceeding may have been justifiable or otherwise; and the undersigned will be prepared, if necessary, to enter with Mr. Stevenson into the details of the question; but his present object is of a more general nature. He is desirous of placing, very briefly, before Mr. Stevenson the consequences of those principles which he has laid down; and to appeal to his candour, the Undersigned had almost said to the dictates of plain sense, in order to reject such a conclusion as that which must necessarily flow from the arguments contained in Mr. Stevenson's note.

Mr. Stevenson claims for the American flag an absolute exemption from all interference; and utterly denies the right of the British Government, under any circumstances whatever, to visit in time of peace merchant-vessels bearing the flag of the Union.

Mr. Stevenson quotes the opinion delivered by Lord Stowell upon this subject; who declares, that in order to extirpate this odious traffic, it would not be lawful to capture vessels, even if they had slaves on board; and also, that for the same purpose, however laudable, no right of search could be admitted to exist.

Now the Undersigned is the last person who would presume to question the authority of the distinguished jurist to whom Mr. Stevenson has referred. But Mr. Stevenson will recollect that the judgment of Lord Stowell was delivered in the case of a French vessel which had actually been captured, and was condemned by a British tribunal. The sentence was reversed by Lord Stowell in the year 1817. At that period Great Britain had no reason to presume that the Slave Trade was regarded as criminal by the whole civilized world, or that all nations had united their efforts for its suppression. And even if such had been the case, it would have been very far from affording any justification of the sentence reversed. But the Undersigned must observe that the present happy concurrence of the States of Christendom in this great object, not merely justifies, but renders indispensable the right now claimed and exercised by the British Government. The Undersigned readily admits that to visit and search American vessels in time of peace, when that right of search is not granted by

Treaty, would be an infraction of public law, and a violation of national dignity and independence. But no such right is asserted. We sincerely desire to respect the vessels of the United States; but we may reasonably expect to know what it really is that we respect. Doubtless the flag is *primâ facie* evidence of the nationality of the vessel; and if this evidence were in its nature conclusive and irrefragable, it ought to preclude all further inquiry. But it is sufficiently notorious that the flags of all nations are liable to be assumed by those who have no right or title to bear them. Mr. Stevenson himself fully admits the extent to which the American flag has been employed for the purpose of covering this infamous traffic. The Undersigned joins with Mr. Stevenson in deeply lamenting the evil, and he agrees with him in thinking that the United States ought not to be considered responsible for this abuse of their flag. But, if all inquiry be resisted, even when carried no further than to ascertain the nationality of the vessel, and impunity be claimed for the most lawless and desperate of mankind in the commission of this fraud, the Undersigned greatly fears that it may be regarded as something like an assumption of that responsibility which has been deprecated by Mr. Stevenson.

While Mr. Stevenson deplores the prevalence of this abuse, and the nefarious character of the trade, can he be satisfied that no remedy should be applied or attempted? The Undersigned hopes and believes that the number of *bonâ fide* American vessels engaged in the trade is very small; and thus the danger of interference with such vessels by British cruisers must be of rare occurrence.

Mr. Stevenson will admit that his objections to this interference would, under any circumstances, tend in its consequences to the protection of an abominable traffic, stigmatised by the whole Christian world; but the confession of Mr. Stevenson that the trade is extensively carried on under the fraudulent use of the American flag does in truth justify the whole claim put forward by the British Government. It constitutes that reasonable ground of suspicion which the law of nations requires in such a case. The admitted fact of this abuse creates the right of inquiry.

The Undersigned renounces all pretension on the part of the British Government to visit and search American vessels in time of peace. Nor is it as American, that such vessels are ever visited; but it has been the invariable practice of the British navy, and, as the Undersigned believes, of all navies in the world, to ascertain by visit the real nationality of merchant-vessels met with on the high seas, if there be good reason to apprehend their illegal character.

In certain latitudes, and for a particular object, the vessels referred to are visited, not as American, but either as British vessels engaged in an unlawful traffic, and carrying the flag of the United States for a criminal purpose; or as belonging to States which have by Treaty conceded to Great Britain the right of search, and which right it is attempted to defeat by fraudulently bearing the protecting flag of the Union; or finally, they are visited as piratical outlaws, possessing no claim to any flag or nationality whatever.

Now it can scarcely be maintained by Mr. Stevenson that Great Britain should be bound to permit her own subjects, with British vessels and British capital, to carry on before the eyes of British officers this detestable traffic in human beings, which the law has declared to be piracy, merely because they had the audacity to commit an additional offence by fraudulently usurping the American flag. Neither could Mr. Stevenson with more reason affirm, that the subjects of States which have granted to Great Britain the right of search, should be enabled to violate the obligation of their Treaties, by displaying the flag of the Union, contrary to the will, and in defiance of the American Government itself. Still less would Mr. Stevenson pretend to claim immunity for piratical adventurers, who should endeavour to shelter their lawless proceedings under the ensign of the United States.

But unless Mr. Stevenson be prepared to maintain these propositions, the whole fabric of his argument falls to the ground. For the Undersigned admits that if the British cruiser should possess a knowledge of the American character of any vessel, his visitation of such vessel would be entirely unjustifiable. He further admits that so much respect and honour are due to the American flag, that no vessel bearing it ought to be visited by a British cruiser, except under the most grave suspicions, and well-founded doubts of the genuineness of its character. The Undersigned, although with pain, must add, that if such visit should lead to the proof of the American origin of the vessel, and that she was avow-

edly engaged in the Slave Trade, exhibiting to view the manacles, fetters, and other usual implements of torture, or had even a number of these unfortunate beings on board, no British officer could interfere further. He might give information to the cruisers of the United States, but it would not be in his own power to arrest or impede the prosecution of the voyage and the success of the undertaking.

It is obvious, therefore, that the utmost caution is necessary in the exercise of this right claimed by Great Britain. While we have recourse to the necessary, and indeed the only means for detecting imposture, the practice will be carefully guarded, and limited to cases of strong suspicion. The Undersigned begs to assure Mr. Stevenson, that the most precise and positive instructions have been issued to Her Majesty's officers on this subject.

The United States have stigmatised this abominable trade in terms of abhorrence as strong as the people of this country. They are also actively engaged in its suppression. But if, instead of joining their efforts to those of Great Britain, and labouring with her for the attainment of this great blessing to humanity, the United States had wished to follow a different course, the reasoning employed in Mr. Stevenson's note is precisely such as would be resorted to for its defence and justification. The Undersigned, with his conviction of the perfect good faith and sincerity of the Government of the United States, would almost fear to offend Mr. Stevenson, even by disclaiming any such suspicion; but he believes Mr. Stevenson will agree with him in lamenting that the effects of the policy of the United States should have any tendency to create a different impression in the minds of those who are disposed to think less favourably and less justly upon this subject.

Great Britain makes no pretension, claims no right, which she is not ready and desirous to concede to the United States. A mutual right of search, regulated in such a manner as to prevent the occurrence of any irritating circumstances, has always appeared to the Undersigned to be the most reasonable, the most simple, and most effectual method of attaining the great object which both Governments have in view. But this proposal has already been rejected by the United States, and the Undersigned is not instructed again to offer it for consideration. It is for the American Government alone to determine what may be due to a just regard for their national dignity and national interests; but the Undersigned must be permitted to express his conviction, that rights which have been mutually conceded to each other by the Governments of Great Britain and France, can scarcely be incompatible with the honour and independence of any State upon the face of the earth.

The Undersigned requests Mr. Stevenson to accept the assurances, &c., &c.

(Signed) ABERDEEN.

A. Stevenson, Esq.,
&c. &c. &c.

No. 274.

Mr. Stevenson to the Earl of Aberdeen.

32, *Upper Grosvenor Street, October* 21, 1841.
(*Received October* 22.)

THE Undersigned, Envoy Extraordinary and Minister Plenipotentiary from the United States of America, has the honour to acknowledge the receipt of the note which Lord Aberdeen, Her Majesty's Principal Secretary of State for Foreign Affairs, did him the honour to address to him under date of the 13th instant, in answer to the one from the Undersigned of the 10th of September, relative to the visitation and interruption to which the vessels and commerce of the United States have been subjected by British cruisers in the African seas, and which has been made the subject of complaint to Her Majesty's Government; and having considered, with the attention which their importance merits, the arguments presented by Lord Aberdeen's note, the Undersigned has now the honour to submit to his Lordship's consideration the observations which he feels himself called upon to make.

Before proceeding to do so, however, the Undersigned will take occasion to remark, that he shares fully in the opinion expressed by Lord Aberdeen as to the importance of avoiding in the discussion of grave questions of national character everything calculated to embarrass or throw difficulties in the way of impartial and dispassionate consideration. The Undersigned, therefore, with great sincerity assures Lord Aberdeen of the readiness and zeal with which he is disposed to conduct the negotiations between the two countries, on his part, in a manner the most conciliatory, and best calculated to preserve peace; and that he should equally deplore with Lord Aberdeen that any harshness or asperity of expression should be suffered to mingle in the discussion of a question involving national sensibility and feeling, and so liable, as his Lordship justly supposes, to produce excitement and irritation. He begs Lord Aberdeen, therefore, to believe that it is under the influence of such feelings, and with the most perfect respect both for himself and Her Majesty's Government, that he now proceeds to reply to those parts of his Lordship's note which he deems it his duty to notice.

To enable him to do this it may be important to ascertain what is the real question in issue between the two Governments, and the precise nature of the power asserted by Her Majesty's Government over the vessels and commerce of the United States. It may be thus briefly stated:—

The Government of Great Britain, with that of other nations, regarding the African Slave Trade as a great evil, united in measures for its abolition. For that purpose laws were passed and Treaties concluded, giving to the vessels of each of the contracting parties the mutual right of search under certain limitations. Independent of these Treaties, and under the principles of public law, this right of search could not be exercised. The United States were invited to become a party to these Treaties; but for reasons which they deemed satisfactory, and growing out of the peculiar character of their institutions and systems of government, they declined doing so. They deemed it inexpedient, under any modification or in any form, to yield the right of having their vessels searched or interfered with in time of peace upon the high seas. With the history of the negotiations which took place on this subject between the two Governments, Lord Aberdeen is doubtless informed. In the mean time, some of the Powers who were parties to these Treaties, and others who refused to become so, continued to prosecute their Slave Traffic, and to enable them to do so with more effect they resorted to the use of the flags of other nations, but more particularly that of the United States. To prevent this, and enforce her Treaties, Great Britain deemed it important that her cruisers in the African seas should have the right of detaining and examining all vessels navigating those seas for the purpose of ascertaining their national character. Against this practice the Government of the United States protested, and the numerous cases, out of which the present discussion has arisen, became subjects of complaint and negotiation between the two Governments. Her Majesty's Government, however, having refused to make reparation in any of the cases, and still asserting the right of her cruisers to continue the practice of detaining and examining all vessels on the coasts and in the African seas, it becomes important that the precise character and extent of the right thus claimed should be clearly ascertained. In the last note which the Undersigned had the honour of addressing to Lord Aberdeen, he attempted to show, in the first place, that the right asserted by Her Majesty's Government in Lord Palmerston's note of the 27th of August, was substantially a *right of search;* and, in the next place, that if it was not, still the right of interference in the manner asserted with the vessels or flags of other nations, not parties to these Treaties, was not less unlawful and unjustifiable.

Now, Lord Aberdeen disclaims the right of searching American vessels on the high seas, and admits that to do so would be a gross infraction of the public law, and a violation of national sovereignty and independence; but his Lordship contends, that in requiring vessels sailing under the flag of the United States to submit to the operation of examination in the manner and for the objects proposed by his Government, there would be no violation of national rights or honour, and, consequently, nothing to which the Government of the United States ought rightfully to object. Upon this branch of the subject the Undersigned does not intend to repeat the arguments con-

tained in his previous correspondence with Her Majesty's late Principal Secretary of State for Foreign Affairs. Referring Lord Aberdeen to that correspondence, he will content himself with submitting such additional observations as his Lordship's last note has rendered necessary.

Is the right, then, claimed by Her Majesty's Government, less an infraction of the principles of public law and the rights of independent states than that of search, which is disclaimed?

Now Lord Aberdeen will remark that the right asserted by his predecessor for Her Majesty's Government is clear and explicit. It is thus stated in Lord Palmerston's note—"That Her Majesty's Government have decided that the flag of the United States shall exempt no vessel (whether American or not) from search by Her Majesty's cruisers in the African seas, unless such vessel shall be found provided with papers entitling her to the protection of the flag she wears, and proving her to be United States' property, and navigating the ocean according to law." Of what law, however, whether public or municipal, his Lordship does not state, but leaves to be inferred. This doctrine Lord Aberdeen is understood to affirm. Now, in the first place, here is an actual denial of the right of vessels of the United States to navigate the ocean in time of peace without being subjected to detention and examination, and without proof of their being the property of citizens of the United States, and documented according to law. It constitutes the commandant of every British cruiser the exclusive judge to decide whether such vessels, in the language of his Lordship, be "*properly provided with papers entitling them to the protection of the flag they wear, and proving them to be United States' property, and navigating the ocean according to law.*" What essential difference, then, is there between the right of search, in its harshest form, and that of arresting the vessels of an independent nation on their voyage, compelling their officers to leave their vessels, and subjecting them and their papers to the examination and decision of every subordinate naval commander? Is it not the right of placing British cruisers on any part of the ocean that Her Majesty's Government may select, and prescribing the terms upon which other nations are to participate in the freedom of the seas? Is it not in effect a claim of jurisdiction over the whole of the African coasts and seas, as exclusive as that which could only be enjoyed within the acknowledged limits of local sovereignty? To these questions but one answer can be given—it must be in the affirmative! But, to what consequences would not such a power lead if once submitted to? Where would it end? If Great Britain can exercise such a power, why may not other nations do the same? What is there to prevent those states, especially, who have entered into Treaties for the abolition of slavery, from subjecting the vessels and commerce of the United States to similar interruptions and embarrassments?

Why should not Hayti (who has lately been induced to prohibit the Slave Trade) authorize her cruisers to follow the example of Her Majesty's Government? By one of her recent laws upon the subject she did assert a similar right, but it was afterwards changed at the instance of Great Britain upon the ground that no nation had the right, in time of peace, to enforce the provisions of their laws and treaties against states who were not parties to them, and, consequently, not bound by them. In the note addressed by the Undersigned to Lord Palmerston, under date of the 27th of February, 1841, and referred to in the one to Lord Aberdeen, allusion was made to the proceedings of Her Majesty's Government under which the Haytian Government were induced to change their laws. At that time, at least, it is presumed, Her Majesty's Government had not determined to assert this right of dominion over the sea. But again: Why might not the right of search for seamen and deserters, and that of impressment, be defended upon the principles of the present claim? Let it be supposed, for purposes of illustration, that Great Britain had entered into Treaties with other nations, by which the right of search for seamen or deserters was given to the vessels of each other, and that some of the contracting states, in order to evade their engagements, should resort to the fraudulent use of the flags of other nations; and suppose, also, that, with the view of enforcing these Treaties, it should be deemed expedient to assert a right of boarding and examining upon the high seas the vessels of nations who had not surrendered the right, and were not parties to the Treaties? Does Lord Aberdeen or Her Majesty's Government believe that such a power would

be tolerated by any independent nation upon the face of the earth? And yet what difference would there be between such a case and the one under consideration, except that the one would relate to slavery, and the other to impressment—subjects, probably, equally important in the view of Her Majesty's Government?

It was against the exercise of any such right that the distinguished jurist, to whom reference has been made, declared (whilst sitting as a Court under the Law of Nations), "that no authority could be found which gave any right of *visitation or interruption* over the vessels and navigation of other states on the high seas, except that which the right of war gives to belligerents against neutrals; and that Great Britain had no right to force her way to the liberation of Africa by trampling upon the rights and independence of other nations for any good, however eminent."

Upon what principles, then, of public law, or of common right or justice, such a power as that now asserted is to be defended or justified, Her Majesty's Government have not deemed it expedient to state. As yet it has been left to stand for its whole efficacy upon the grounds of expediency. The Undersigned must, therefore, repeat the opinion expressed in his note to Lord Aberdeen, that there is no essential difference whatever between the right of search and that now asserted for Her Majesty's Government. But Lord Aberdeen contends, that in resisting the exercise of this right in the form in which it has been made, the Undersigned is necessarily compelled to claim, not only immunity for the flag of the United States, and all the piratical adventurers who are endeavouring to shelter themselves under it, but to maintain that Great Britain herself would be bound to permit her own subjects, with British vessels and British capital, to carry on their traffic under their own eyes, provided it was done under the fraudulent use of an American flag; and his Lordship further declares, that unless the Undersigned is prepared to maintain to their full extent these propositions, the whole fabric of his argument must fall to the ground. Now the Undersigned begs to observe, that Lord Aberdeen has greatly misapprehended the principles and arguments contained in the note which he had the honour of addressing to his Lordship, and which it becomes proper to seize the earliest moment of correcting. This the Undersigned will the more readily do, because he is persuaded, from the spirit in which Lord Aberdeen's note is written, that he will take pleasure in correcting any misapprehension into which he may unintentionally have been drawn. Indeed, the Undersigned must have expressed himself very imperfectly, if, in denying the right of interfering with vessels under the American flag, he did not convey the opinion that he intended to limit his objection to vessels *bonâ fide* American, and not to those belonging to nations who might fraudulently have assumed the flag of the United States. With the vessels of other nations, whether sailing under their own or another flag, the Government of the United States can have no authority or desire to interfere. The undersigned, therefore, did not mean to be understood as denying to Great Britain or any other nation the right of seizing their vessels, or punishing their subjects, for any violation of their laws or treaties, provided, however, it should be done without violating the principles of public law or the rights of other nations. Nor are such the consequences which can fairly be deduced from the argument which he had the honour of addressing to Lord Aberdeen, and which his Lordship seems so greatly to have misapprehended. Great Britain has the undoubted right, and so have all other nations, to detain and examine the vessels of their own subjects, whether slavers or not, and whether with or without a flag, purporting to be that of the United States; but in doing this, it must be borne in mind, that they have no colour of right, nor will they be permitted, to extend such interference to the vessels or citizens of the United States, sailing under the protection of the flag of their country.

If Great Britain, or any other nation, cannot restrain the slave traffic of their own people upon the ocean, without violating the rights of other nations and the freedom of the seas, then, indeed, the impunity of which Lord Aberdeen speaks will take place. This may be deplored, but it cannot be avoided. But Lord Aberdeen asserts that it has been the invariable practice of the British navy, and he believes of all the navies in the world, to ascertain, by visit, the real character of merchant vessels met with on the high seas, if there be good reason to appre-

hend their illegal character. Now the Undersigned must be excused for doubting whether any such practice as that which Lord Aberdeen supposes—certainly not to the extent now claimed—has ever prevailed in time of peace. In war the right of visitation is practised under the limitations authorised by the laws of nations, but not in peace. What other nation than Great Britain has ever asserted, or attempted to exercise it? None, it is believed.

There is another misapprehension also into which Lord Aberdeen seems to have fallen that it may be important to correct. It relates to an admission which his Lordship supposes the Undersigned to have made as to the extent of the abuse of the American flag for purposes of slave traffic. Now the Undersigned would submit that he did not intend to express, nor did he, any opinion as to the extent to which the flag of the United States was abused by other nations. So far from it, he expressly stated, as Lord Aberdeen will perceive, by reference to his note, that neither he nor his Government had the means of forming any opinion upon the subject. He admitted the abuse of the flag, and deplored it, but to what extent he gave no opinion.

Nor can the Undersigned yield to the force of the reasoning employed by Lord Aberdeen, arising out of the limited number of *bonâ fide* American vessels engaged in the Slave Trade, to prove that the danger of interference with American vessels will be of rare occurrence. He readily admits, with Lord Aberdeen, that there are few American vessels, if any, engaged in the Slave Trade: but, in admitting the fact, he does not perceive very clearly what bearing it can have upon the present discussion, or how the smallness of the number of American slavers can at all guard against the evils which Lord Aberdeen supposes. For if it be true, as his Lordship contends, that the abuse by other nations of the flag of the United States is one of increasing extent, and that it can in no way be prevented but by the examination of all vessels sailing under the flag of the United States; and as it must also be admitted that there are numerous American vessels engaged in lawful commerce in the African seas, which, with other vessels, are to be subjected to detention and examination, what possible effect can the number of American slavers have in preventing the interference to that more numerous class of merchantmen who are to be found engaged in commerce throughout the whole of the African seas? If there was not a single vessel of the United States engaged in the Slave Trade, the evils and interruptions which Lord Aberdeen is so desirous of avoiding must still take place, whenever the right shall be attempted to be enforced against those vessels that are not slavers.

But the great caution which is to be observed in the exercise of the right, and the careful manner in which it will be guarded, is greatly relied on by Lord Aberdeen in its defence. Indeed his Lordship declares, that so much honour and respect is due to the flag of the United States, that it is only to be exercised in certain latitudes, and exclusively confined to cases where the strongest suspicion and well-founded doubts exist. Now the Undersigned would respectfully ask of what consequence it can be to the United States, if their rights or the honour of their flag are violated, whether it be done upon one part of the ocean or another? In relation to the well-founded suspicion to which Lord Aberdeen refers, it might have been desirable (if the manner of exercising an unlawful power can excuse it) that his Lordship should have stated what the particular character and degree of the suspicion was to be, which was alone to justify the interference of Her Majesty's cruisers. That such a right as that claimed, if it existed, could not safely be confided to those of Her Majesty's cruisers who have heretofore been in the habit of exercising it, the Undersigned feels himself warranted in supposing. This he presumes will be satisfactorily shown by the cases which he has heretofore presented to Her Majesty's Government, and for which no reparation has yet been made. These cases will show the embarrassments and injuries to which the trade and commerce of the United States, throughout the whole of the African seas, have already been subjected by the vexatious seizures and detentions of Her Majesty's cruisers, and, in most of them, without justification or excuse.

That the right asserted by Her Majesty's Government may be regarded as important, may not be doubted. Indeed the Undersigned would not act frankly towards Lord Aberdeen if he were to pretend that the consequences of refusing the exercise of the right by the American Government might not throw very great difficulties in the way of executing the existing treaties for

the abolition of the Slave Trade: but, as he has taken occasion heretofore to observe, the admission can neither strengthen the claim of right nor diminish the force of the objections to it, on the part of the United States.

There remains only one other part of Lord Aberdeen's note which the Undersigned deems it necessary at this time to notice. It is that in which his lordship expresses the opinion that any right of search which shall have been conceded by two such governments as France and Great Britain, can scarcely be considered as incompatible with the honour and independence of any nation upon earth. Now, if Lord Aberdeen's remark was intended to apply to the proposal which was made by Her Majesty's Government to that of the United States, for a mutual right of search, secured and granted by treaty stipulations, the Undersigned has no observation to make; but if this opinion of his Lordship was intended to apply to the right now asserted by Great Britain, and proposed by her Government to be exercised in the absence of all conventional arrangement, then the Undersigned must be allowed to express his decided dissent. That the exercise of mutual rights, properly secured, might not be incompatible with national honour and sovereignty, he readily admits, inasmuch as the contracting parties would stand upon the footing of equality and security: this he presumes to be the case between France and Great Britain; but such would not be the case between Great Britain and the United States. The Undersigned must therefore, after the most careful consideration of the arguments advanced in Lord Aberdeen's note, repeat the opinion which he has heretofore expressed, that, if a power such as that which is now asserted by Her Majesty's Government shall be enforced, not only without consent, but in the face of a direct refusal to concede it, it can be regarded in no other light by the Government of the United States than a violation of national rights and sovereignty, and the incontestable principles of international law.

That its exercise may lead to consequences of a painful character there is too much reason to apprehend. In cases of conflicting rights between nations the precise line which neither can pass, but to which each may advance, is not easily found or marked, and yet exists, whatever may be the difficulty of discerning it. In ordinary cases of disagreement there is little danger; each nation may, and often do, yield something to the other. Such however, it is to be feared, is not the present case. The peculiar nature of the power asserted, and the consequences which may be apprehended from its exercise, make it one of an important and momentous character: involving, as it does, questions of high and dangerous sovereignty, it may justly be regarded as deeply endangering the good understanding of the two countries. Ought Her Majesty's Government then, under such circumstances, to insist upon its enforcement? That it will not, the Undersigned cannot permit himself to doubt. He will therefore continue to cherish the hope that, upon a careful review of the whole subject, Her Majesty's Government will see the importance of adopting other measures for the suppression of the Slave Trade than those now proposed, and which will be far better calculated, not only to accomplish the object desired, but to preserve the friendly relations of the two countries upon principles consistent with the interest and honour of both.

The Undersigned avails himself of the occasion to renew to Lord Aberdeen assurances of his distinguished consideration and respect.

(Signed) A. STEVENSON.

The Right Hon. Earl of Aberdeen, K.T.,
&c. &c. &c.

No. 275.

The Earl of Aberdeen to Mr. Fox.

SIR, *Foreign Office, October* 22, 1841.

WITH reference to previous communications from Her Majesty's Secretary of State to you, relating to the visitation of vessels bearing the United States' flag, and suspected of being engaged in the African Slave Trade, I here-

with transmit to you, for your information, a copy of a note which I have received upon the subject from Mr. Stevenson, the United States' Minister at this Court, and a copy of the answer which I have returned thereto.

I am, &c.

(Signed) ABERDEEN.

H. S. Fox, Esq.
&c. &c. &c.

P. S. The reply of Mr. Stevenson to my note of the 12th instant has reached me to-day, after Mr. Stevenson's departure, and I herewith transmit to you a copy of that reply.

Enclosures in No. 275.

1. *Mr. Stevenson to the Earl of Aberdeen. September* 10, 1841.

(See No. 272.)

2. *The Earl of Aberdeen to Mr. Stevenson. October* 13, 1841.

(See No. 273.)

3. *Mr. Stevenson to the Earl of Aberdeen. October* 21, 1841.

(See No. 274.)

No. 276.

The Earl of Aberdeen to Mr. Fox.

Foreign Office, October 30, 1841.

Circular sending Papers presented to Parliament.

(See No. 10.)

No. 277.

The Earl of Aberdeen to Mr. Fox.

SIR, *Foreign Office, November* 19, 1841.

I HEREWITH transmit to you the copy of a Despatch from Her Majesty's Chargé d'Affaires at Rio de Janeiro, stating that several American vessels have lately entered that port after having landed negroes on the coast, and that Commodore Ridgeley, the commander-in-chief on the Brazilian station, and Mr. Slacum, the American Consul, had exerted themselves in the most praiseworthy manner in bringing the guilty parties to punishment.

I have to request that you will avail yourself of a suitable opportunity to express the satisfaction of Her Majesty's Government at the zeal evinced by the officers of the United States for the prevention of the Slave Trade.

I am, &c.

H. S. Fox, Esq.
&c. &c. &c.

(Signed) ABERDEEN.

Enclosure in No. 277.

Mr. Ouseley to Viscount Palmerston.

Rio de Janeiro, August 31, 1841.

(See Class B., No. 504, p. 713.)

No. 278.

The Earl of Aberdeen to Mr. Fox.

SIR, *Foreign Office, November* 30, 1841.

WITH reference to Viscount Palmerston's Despatch of the 24th of May last, on the subject of orders given to Her Majesty's cruisers for their guidance in dealing with vessels carrying the flag of the United States and suspected of Slave Trade, I herewith transmit to you, for your information, a copy of a further communication, which, under my direction, has been addressed to the Admiralty upon the subject in question.

I am, &c.
(Signed) ABERDEEN.

H. S. Fox, Esq.
&c. &c. &c.

Enclosure in No. 278.

Viscount Canning to Sir John Barrow.

SIR, *Foreign Office, November* 27, 1841.

I AM directed by the Earl of Aberdeen to request that you will draw the attention of the Lords Commissioners of the Admiralty to the note addressed by Viscount Palmerston to Mr. Stevenson on the 5th of August last, on the subject of the vessels "*Iago*" and "*Hero*," a copy of which note was transmitted to the Admiralty by the directions of Lord Palmerston, in a letter from this office dated the 31st of that month.

In that note it is stated by Viscount Palmerston "that positive orders were sent by the Admiralty, in February last, to all Her Majesty's cruisers employed for the suppression of the Slave Trade, not again to detain or meddle with United States' vessels engaged in Slave Trade."

I am to request that you will observe to the Lords Commissioners of the Admiralty, that from the letter addressed on the 8th of February last by Lord Leveson to the Secretary to the Admiralty, it appears that the instructions which their Lordships were requested to issue to Her Majesty's cruisers were to the effect that they should abstain from capturing United States' vessels engaged in the Slave Trade; and I am therefore directed by Lord Aberdeen to request that you will move the Lords Commissioners of the Admiralty to send instructions to Her Majesty's cruisers to abstain from detaining or visiting vessels of the United States engaged in the Slave Trade.

I am at the same time to state to you that Lord Aberdeen is desirous, if there should be good reason to suspect that vessels bearing the United States' flag are not entitled to carry that flag, that Her Majesty's cruisers should ascertain the fact by visit or otherwise. In the event of the suspicion being confirmed, such vessels would be dealt with according to law and the provisions of Treaties; but, on the other hand, if Her Majesty's cruisers should detain or visit any vessel under the flag of the United States which should prove to belong to the Union, Lord Aberdeen requests that the commanding officers should be directed to send home a full report of all the particulars of the case by the earliest opportunity, not waiting to include it in such regular periodical report as they may be required to transmit.

I have, &c.
(Signed) CANNING.

Sir John Barrow,
&c. &c. &c.

No. 279.

The Earl of Aberdeen to Mr. Fox.

SIR, *Foreign Office, December* 3, 1841.

WITH reference to previous correspondence on the subject of negroes who were on board of the Spanish schooner "*Amistad*," and who were carried to the United States, I herewith transmit to you a copy of a Memorial from the Glasgow Emancipation Society, stating that those negroes have been set at liberty, and are anxious to return to their native country, and requesting the assistance of Her Majesty's Government for conveying them to Sierra Leone, to be thence forwarded to their native place. Her Majesty's Government, upon ascertaining the facts, will be disposed to make arrangements for accomplishing the object expressed in the accompanying Memorial, provided there shall be no objection thereto; and I have, therefore, to desire that you will inquire whether the statement in that document is accurate, and how many of the negroes of the "*Amistad*" are remaining there in the United States. You will also ascertain, by such means as you shall consider most expedient, whether on the part of the United States' Government, or any other account, any objection is likely to arise to the proposed arrangement.

You will acquaint me, as soon as you can, with the result of your inquiries upon these heads.

You will understand that you are not required to address the United States' Government officially upon this subject.

I am, &c.

H. S. Fox, Esq.
&c. &c. &c.

(Signed) ABERDEEN.

Enclosure in No. 279.

Memorial of the Glasgow Emancipation Society.

Unto the Right Hon. Sir Robert Peel, Bart., the Right Hon. Lord Aberdeen, the Right Hon. Lord Stanley, and the other Members of Her Majesty's Cabinet.

The Memorial of the Committee of the Glasgow Emancipation Society

Humbly showeth,

That whereas the Supreme Court of the United States of America, after a series of protracted legal processes of nearly two years' duration, has at length discharged from their jurisdiction and set at liberty from all claim the African negroes captured in the Spanish schooner "*Amistad*," on the coast of America, near New London, on the 26th of August, 1839; regarding whom this Society had the honour, on the 15th of October following, to present a Memorial to the Right Hon. Lord Viscount Melbourne, the Right Hon. Viscount Palmerston, and the other Members of Her Majesty's Cabinet, to which a favourable answer was politely returned, dated Foreign Office, December 23, 1839. In 1840, the Secretaries of this Society had again the honour to address a note to Lord Palmerston on the subject, and were in like manner favoured by his Lordship with a reply, dated Foreign Office, March 26, 1840. And the case of the said negroes was noticed in favourable terms by the Hon. Mr. Jerningham, Her Majesty's Minister at Madrid, on the 5th of January preceding, in a letter to the Spanish Minister, Don Evaristo Perera de Castro, published in the Parliamentary Papers; and, finally, by the Hon. H. S. Fox, Her Majesty's Minister at Washington, in a letter dated there the 20th of January, 1841, addressed to the Hon. John Forsyth, Secretary to the Government of the United States:

And whereas in all their correspondence with the British Abolition Societies, and with the American and Spanish Governments, Her Majesty's Government have, in their consideration of the case of these unfortunate and persecuted Africans, evinced a prompt and highly laudable interest, strongly contrasting to their credit, when compared with the treatment which these forlorn strangers experienced from the republican and professedly Christian Government of

America, upon whose shores they were cast, and who, not without the urgent solicitation of the abolitionists in their behalf, barely supplied the Africans with comfortable clothing to protect them from the severity of an American winter:

And whereas, from the education which the aforesaid natives of Africa have received, through the kindness of the abolitionists of the United States, and the more intimate intercourse thus had with them by these parties, their case has become still more interesting, considering their connection with the interior of Africa; and whereas they are now desirous to return to their native country, called Mendi, in Africa, and which they describe as being situated six days' journey from the coast (probably north of the Gallinas); and whereas they are desirous to be landed at Sierra Leone, of which some of them appear to have heard, and from which they seem to think they would find their way to their homes:

And whereas the United States' Government have declined to grant a government vessel to convey these poor helpless people home, after they have needlessly detained them so long and subjected them to such barbarous treatment, that it has been only in consequence of the unceasing diligence and vigilance, the perseverance and skill of the abolitionists there, that they have at length been rescued from the fangs of the pro-slavery party:

For these reasons, therefore, we, the Committee of the Glasgow Emancipation Society, admiring, on the other hand, the very friendly and favourable interest hitherto so readily taken in the case of these Africans by the British Cabinet, feel encouraged to solicit, on their behalf, that, to promote the interests of humanity, Her Majesty's Government (who have vessels constantly cruising to suppress the Slave Trade, and frequent communication with Sierra Leone) would have the goodness to afford to these children of Africa, now in a *foreign* land, a safe conveyance in *a Government vessel* to Sierra Leone, and would instruct the authorities at that port, that so the parties might be conducted to their respective homes.

Your memorialists consider that by so doing the British Government would not only be following out to these unfortunate natives of Africa, "who," to use the language of the Hon. Mr. Fox, "have been thrown by accidental circumstances into the hands of the authorities of the United States," a continuance of that benevolent interposition which doubtless has, in some measure, indirectly contributed to "secure to them the possession of that liberty to which from the first it was clear they were by law entitled;" but Her Majesty's Government will, at the same time, be deepening in the minds of the liberated Africans, and through them in the minds of all with whom they may have intercourse on their return to Africa, just and lasting impressions of the philanthropic designs of the Government and people of this country towards the African race; thus may Great Britain, even by this apparently insignificant means, now be known to Africans as their benefactress, which she justly deserves to be; and trifling as it may appear to those accustomed to great things, it may have yet a further and a beneficial influence upon her schemes of civilization and future intercourse with the African continent.

Your memorialists, in conclusion, would humbly suggest that, should Her Majesty's Ministers acquiesce in their request, thus respectfully submitted to them, and instruct that a *Government vessel* be placed at the disposal of the Committee in America by whom the case of the "*Amistad*" negroes has been conducted, and under whose care they still remain, the same may be done with the utmost possible despatch.

And your memorialists, as in duty bound, &c.

Signed in name and by appointment of the Committee of the Glasgow Emancipation Society, this 18th day of November, 1841.

(Signed) JOHN MURRAY, WM. SMEAL, } *Secretaries.*

No. 280.

The Earl of Aberdeen to Mr. Fox.

SIR, *Foreign Office, December* 11, 1841.

WITH reference to my Despatch of the 30th ultimo, on the subject of the conduct to be observed by the commanding officers of Her Majesty's cruisers,

in dealing with vessels under the United States' flag suspected of Slave Trade, I herewith transmit to you, for yeur information, a copy of an instruction which the Lords Commissioners of the Admiralty addressed upon this subject, under date of the 7th instant, to the admirals on the India and Cape of Good Hope stations, and to the senior officers on the coasts of Africa and Brazils.

I am, &c.,
(Signed) ABERDEEN.

H. S. Fox, Esq.,
&c. &c. &c.

Enclosure in No. 280.

Sir John Barrow to the Commanders in Chief and Senior Officers at the Cape of Good Hope, Coast of Africa, West Indies, and Brazils.

SIR, *Admiralty, December* 7, 1841.

I AM commanded by my Lords Commissioners of the Admiralty to send you herewith a copy of a letter from the Under Secretary of State for Foreign Affairs, dated the 27th of last month, on the subject of the conduct to be pursued by the commanding officers of Her Majesty's cruisers towards vessels hoisting the United States' flag, engaged in Slave Trade; and I am to signify their Lordships' directions to you to govern yourself accordingly, and to issue corresponding instructions to the ships and vessels under your orders.

My Lords desire you at the same time to observe that, although the said letter conveys a decided instruction that Her Majesty's cruisers are neither to capture nor interfere with, nor even to visit United States' vessels, whether they shall have slaves on board or not, yet you will perceive by it that it is not intended to allow vessels of other nations to escape visit and examination by merely hoisting an United States' flag: therefore, if one of Her Majesty's cruisers shall fall in with a vessel which may hoist an United States' flag, but which, from intelligence the officer commanding Her Majesty's cruiser may have received, or from her manœuvres, or other sufficient cause, he may have reason to believe does not belong to the United States, he is, if the state of the wind and weather shall admit of it, to go a-head of the suspected vessel, after communicating his intention by hailing, and to drop a boat on board of her (notwithstanding her American colours), to ascertain her nationality, without causing her detention in the event of her proving to be really an United States' vessel; but should the strength of the wind or other circumstances render such mode of visiting the stranger impracticable, he is to consider himself authorised to require the suspected vessel to be brought to (merely to admit of her nationality being ascertained), and he will be justified in enforcing it (*if necessary*); understanding always that he is not to resort to any coercive measure until every other means of effecting the required visit shall have failed; and however the said visit may be accomplished, whether by force or otherwise, the officer that boards the stranger is to be instructed merely in the first instance to satisfy himself, by the vessel's papers, or other proofs of her nationality, and if she proves to be really an United States' vessel, he is to lose no time in again quitting her, offering to note on the papers of the vessel the cause of his suspecting her nationality, and which had alone induced him to insist on visiting her, adding a note of the number of minutes the vessel was detained (if detained at all) for the object in question, such notation to be signed by the boarding officer, specifying his rank and the name of Her Majesty's cruiser; and whether the commander of the United States' vessel consent to such notation on the vessel's papers or not (and it is not to be done without his consent), all the said particulars are always to be immediately fully entered in the log-books of Her Majesty's cruiser, and a particular statement thereof is to be sent, addressed to the Secretary of the Admiralty, by the first opportunity direct to England, as desired in the Secretary of State's letter; and also a similar statement to the senior officer of the station; to be forwarded by you also to the Secretary of the Admiralty, for their Lordships' information, accompanied by any remarks you may have reason to make thereon.

Of course, in cases where the suspicion of the commander of Her Majesty's

cruiser turns out to be well founded, and the vessel boarded proves, notwithstanding her United States' colours, not to belong to that nation, the commander of Her Majesty's cruiser will, as also directed by the Secretary of State's letter, deal with her as he would have been authorised and required to do, had she not hoisted the United States' flag.

I am, &c.
(Signed) JOHN BARROW.

To the Commander in Chief and Senior Officers at the Cape of Good Hope, Coast of Africa, West Indies, and Brazil.

No. 281.

The Earl of Aberdeen to Mr. Everett.

Foreign Office, December 20, 1841.

THE Undersigned, &c., has the honour of addressing to Mr. Everett, &c. the observations which he feels called upon to make, in answer to the note of Mr. Stevenson, dated on the 21st of October.

As that communication only reached the hands of the Undersigned on the day after the departure of Mr. Stevenson from London, on his return to America, and as there has since been no Minister or Chargé d'Affaires from the United States resident in this country, the Undersigned has looked with some anxiety for the arrival of Mr. Everett, in order that he might be enabled to renew his diplomatic intercourse with an accredited Representative of the Republic. Had the Undersigned entertained no other purpose than to controvert the arguments of Mr. Stevenson, or to fortify his own, in treating of the matter which has formed the subject of their correspondence, he would have experienced little impatience; but as it is his desire to clear up all doubt, and to remove misapprehension, he feels that he cannot too early avail himself of the presence of Mr. Everett at his post, to bring to his knowledge the true state of the question at issue.

The Undersigned agrees with Mr. Stevenson in the importance of arriving at a clear understanding of the matter really in dispute.

This ought to be the first object in the differences of states, as well as of individuals; and, happily, it is often the first step to the reconciliation of the parties. In the present case, this understanding is doubly essential, because a continuance of mistake and error may be productive of the most serious consequences.

Mr. Stevenson persists in contending, that the British Government assert a right which is equivalent to the claim of searching American vessels in time of peace. In proof of this, Mr. Stevenson refers to a passage in a former note of Viscount Palmerston, addressed to himself, against which he strongly protests, and the doctrine contained in which he says that the Undersigned is understood to affirm.

Now, it is not the intention of the Undersigned to inquire into the precise import and force of the expressions of Viscount Palmerston. These might have been easily explained to Mr. Stevenson by their author, at the time they were written; but the Undersigned must request, that his doctrines upon this subject, and those of the Government of which he is the organ, may be judged of exclusively from his own declarations.

The Undersigned again renounces, as he has already done, in the most explicit terms, any right on the part of the British Government to search American vessels in time of peace. The right of search, except when specially conceded by treaty, is a purely belligerent right, and can have no existence on the high seas during peace.

The Undersigned apprehends, however, that the right of search is not confined to the verification of the nationality of the vessel, but also extends to the object of the voyage, and the nature of the cargo. The sole purpose of the British cruisers is to ascertain whether the vessels they meet with are really American or not. The right asserted has, in truth, no resemblance to the right of search, either in principle or in practice. It is simply a right to satisfy the party who has a legitimate interest in knowing the truth, that the vessel actually is what her colours announce. This right we concede as

freely as we exercise. The British cruisers are not instructed to detain American vessels under any circumstances whatever; on the contrary, they are ordered to abstain from all interference with them, be they slavers or otherwise. But where reasonable suspicion exists that the American flag has been abused, for the purpose of covering the vessel of another nation, it would appear scarcely credible, had it not been made manifest by the repeated protestations of their Representative, that the Government of the United States, which have stigmatized and abolished the trade itself, should object to the adoption of such means as are indispensably necessary for ascertaining the truth.

The Undersigned had contended, in his former note, that the legitimate inference from the arguments of Mr. Stevenson would practically extend even to the sanction of piracy, when the persons engaged in it should think fit to shelter themselves under the flag of the United States. Mr. Stevenson observes that this is a misapprehension on the part of the Undersigned; and he declares that, in denying the right of interfering with vessels under the American flag, he intended to limit his objection to vessels *bonâ fide* American, and not to those belonging to nations who might fraudulently have assumed the flag of the United States. But it appears to the Undersigned, that his former statement is by no means satisfactorily controverted by the declaration of Mr. Stevenson. How is this *bona fides* to be proved? Must not Mr. Stevenson either be prepared to maintain that the flag alone is sufficient evidence of the nationality of the vessel, which, in the face of his own repeated admissions, he cannot do, or must he not confess that the application of his arguments would really afford protection to every lawless and piratical enterprise?

The Undersigned had also expressed his belief that the practice was general, of ascertaining by visit the real character of every vessel on the high seas, against which there should exist reasonable ground of suspicion. Mr. Stevenson denies this; and he asks, what other nation than Great Britain had ever asserted, or attempted to exercise, such a right? In answer to this question, the Undersigned can at once refer to the avowed and constant practice of the United States, whose cruisers, especially in the Gulf of Mexico, by the admission of their public journals, are notoriously in the habit of examining all suspicious vessels, whether sailing under the English flag or any other. In whose eyes are these vessels suspicious? Doubtless, in those of the Commanders of the American cruisers. But, in truth, this right is quite as important to the United States as to Great Britain; nor is it easy to conceive how the maritime intercourse of mankind could safely be carried on without such a check.

It can scarcely be necessary to remind Mr. Everett, that the right thus claimed by Great Britain is not exercised for any selfish purpose. It is asserted in the interest of humanity, and in mitigation of the sufferings of our fellow-men. The object has met with the concurrence of the whole civilized world, including the United States of America, and it ought to receive universal assistance and support.

The Undersigned cannot abstain here from referring to the conduct of an honourable and zealous officer, commanding the naval force of the United States on the coast of Africa, who, relying on the sincere desire of his Government for the suppression of the Slave Trade, and sensible of the abuse of the American flag, entered into an engagement, on the 11th of March, 1840, with the officer in command of Her Majesty's cruisers on the same station, by which they mutually requested each other, and agreed, to detain all vessels under American colours employed in the traffic. If found to be American property, such vessels were to be delivered over to the Commander of any American cruiser on the station; or if belonging to other nations, they were to be dealt with according to the Treaties contracted by Her Majesty with the respective States. The Undersigned believes, and indeed after the statements of Mr. Stevenson, he regrets to be unable to doubt, that the conduct of this gallant officer, however natural and laudable in its object, has been disavowed by his Government.

It is not the intention of the Undersigned at present to advocate the justice and propriety of the mutual right of search, as conceded and regulated by treaty; or to weigh the reasons on account of which this proposal has been rejected by the Government of the United States. He took occasion in a

former note, to observe, that concessions sanctioned by Great Britain and France were not likely to be incompatible with the dignity and independence of any other State which should be disposed to follow their example. But the Undersigned begs now to inform Mr. Everett, that he has this day concluded a joint Treaty with France, Austria, Russia, and Prussia, by which the mutual right of search within certain latitudes is fully and effectually established for ever. This is, in truth, a holy alliance, in which the undersigned would have rejoiced to see the United States assume their proper place among the Great Powers of Christendom, foremost in power, wealth, and civilization, and connected together in the cause of mercy and justice.

It is undoubtedly true, that this right may be abused, like every other which is delegated to many and different hands. It is possible that it may be exercised wantonly and vexatiously; and should this be the case, it would not only call for remonstrance, but would justify resentment. This, however, is in the highest degree improbable; and if, in spite of the utmost caution, an error should be committed, and any American vessel should suffer loss or injury, it would be followed by prompt and ample reparation. The Undersigned begs to repeat, that with American vessels, whatever be their destination, British cruisers have no pretension in any manner to interfere. Such vessels must be permitted, if engaged in it, to enjoy a monopoly of this unhallowed Trade; but the British Government will never endure that the fraudulent use of the American flag shall extend the iniquity to other nations, by whom it is abhorred, and who have entered into solemn treaties with this country for its entire suppression.

In order to prove to Mr. Everett the anxiety of Her Majesty's Government, to prevent all reasonable grounds of complaint, the Undersigned believes that he cannot do better than to communicate to him the substance of those instructions under which the British cruisers act in relation to American vessels when employed on this service.

If, from the intelligence which the officer commanding Her Majesty's cruiser may have received, or from the manœuvres of the vessel, or from other sufficient cause, he shall have reason to believe that, although bearing the American flag, the vessel does not belong to the United States, he is ordered, if the state of the wind and weather shall admit of it, to go ahead of the suspected vessel, after communicating his intention by hailing, and to drop a boat on board of her, to ascertain her nationality, without detaining her, if she shall prove to be really an American vessel. But should this mode of visiting the vessel be impracticable, he is to require her to be brought-to for this purpose.

The officer who boards the vessel is merely to satisfy himself of her nationality, by her papers or other proofs; and should she really be an American vessel, he will immediately quit her, offering, with the consent of her commander, to note on her papers the cause of suspecting her nationality, and the number of minutes she was detained (if detained at all) for the object in question. All the particulars are to be immediately entered on the log-books of the cruiser, and a full statement of them is to be sent, by the first opportunity, direct to England.

These are the precautions taken by Her Majesty's Government against the occurrence of abuse in the performance of this service; and they are ready to adopt any others which they may think more effectual for the purpose, and which shall, at the same time, be consistent with the attainment of the main object in view.

Mr. Stevenson has said, that he had no wish to exempt the fraudulent use of the American flag from detention; and this being the case, the Undersigned is unwilling to believe, that a Government like that of the United States, professing the same object and animated by the same motives as Great Britain, should seriously oppose themselves to every possible mode by which their own desire could be really accomplished.

The Undersigned avails, &c.

(Signed) ABERDEEN.

Edward Everett, Esq.
&c. &c. &c.

No. 282.

The Earl of Aberdeen to Mr. Fox.

SIR, *Foreign Office, December* 23, 1841.

WITH reference to my recent Despatches to you, respecting the visitation of vessels bearing the flag of the United States, and suspected not to belong to that country, I herewith transmit to you, for your information, a copy of a note which I have addressed upon this subject to Mr. Everett, the United States' Minister at this Court, in reply to the note addressed to me on the 21st of October last by his predecessor, Mr. Stevenson.

I am, &c.

H. S. Fox, Esq., (Signed) ABERDEEN.
&c. &c.

Enclosure in No. 282.

The Earl of Aberdeen to Mr. Everett.

December 20, 1841.

(See No. 281.)

No. 283.

Mr. Everett to the Earl of Aberdeen.

Legation of the United States, December 23, 1841.
(*Received December* 24.)

THE Undersigned, Envoy Extraordinary and Minister Plenipotentiary of the United States of America, has the honour to acknowledge the reception of a communication from Lord Aberdeen, Her Majesty's Principal Secretary of State for Foreign Affairs, bearing date the 20th instant, in reply to a note of Mr. Stevenson's, of the 21st of October.

The Undersigned will avail himself of an early opportunity of addressing some remarks to the Earl of Aberdeen, on the very important topics treated in his note. In the meantime, the Undersigned begs leave to express his great satisfaction at the conciliatory and dispassionate tone of Lord Aberdeen's communication, from which the Undersigned augurs the happiest influence on the renewed discussion of the subject.

The Undersigned, &c.,

(Signed) EDWARD EVERETT.

The Right Hon. Earl of Aberdeen, K.T.,
&c. &c. &c.

No. 284.

The Earl of Aberdeen to Mr. Fox.

SIR, *Foreign Office, December* 24, 1841.

WITH reference to my Despatch of yesterday's date, I herewith transmit to you, for your information, a copy of a note which I have this day received from Mr. Everett, United States' Minister at this Court, in acknowledgment of the receipt of my note of the 20th instant to that Minister, upon the visitation of vessels bearing the flag of the United States, and suspected not to belong to that country.

I am, &c.

H. S. Fox, Esq., (Signed) ABERDEEN.
&c. &c.

Enclosure in No. 284.

Mr. Everett to the Earl of Aberdeen.

December 23, 1841.

(See No. 283.)

No. 285.

The Earl of Aberdeen to Mr. Fox.

SIR, *Foreign Office, December* 24, 1841.

WITH reference to my Despatch of the 23rd instant, I herewith transmit to you, for your information, a copy of the Treaty, adverted to in my note of the 20th instant to Mr. Everett, as having been concluded on that day between Great Britain, Austria, France, Prussia, and Russia, for the suppression of the African traffic in Slaves.

I am, &c.

(Signed) ABERDEEN.

H. S. Fox, Esq.,
&c. &c. &c.

No. 286.

The Earl of Aberdeen to Mr. Fox.

Foreign Office, December 27, 1841.

Circular, asking for all Laws upon Slave Trade.

(See No. 14.)

No. 287.

Mr. Everett to the Earl of Aberdeen.

32, *Upper Grosvenor Street, December* 27, 1841.

MY LORD, (*Received December* 28.)

THE cases of American vessels, to which I alluded this morning, are those of the "*Tigris*," "*Sea Mew*," "*Jones*," and "*William and Francis*." They were brought to the notice of Lord Palmerston by a letter of my predecessor of the 16th of April last, accompanied by numerous documents. I earnestly commend them to your Lordship's attention, in the full persuasion that nothing would contribute so much to allay the excitement caused in the United States by these seizures in the African seas, nor prepare so effectually for a final and satisfactory adjustment of the controversy, as that prompt and ample reparation where error has been committed, and any American vessel has suffered loss and injury, which is promised in your Lordship's note of the 20th instant.

I have, &c.

(Signed) EDWARD EVERETT,

The Earl of Aberdeen, K.T.,
&c. &c. &c.

No. 288.

The Earl of Aberdeen to Mr. Everett.

SIR, *Foreign Office, December* 31, 1841.

I HAVE had the honour to receive your letter of the 27th instant, upon the subject of the cases of the vessels the "*Tigris*," the "*Sea Mew*," the

"*Jones*," and the "*William and Francis*," brought to the notice of Viscount Palmerston by a letter of the 16th of April last, from your predecessor, Mr. Stevenson.

I have to acquaint you that, on the 31st of August last, the Board of Admiralty were moved by Lord Palmerston to institute a strict inquiry into the allegations made against Her Majesty's officers in these cases, and to report to this office the result.

The result of that inquiry has not yet been received; but I have directed that the Board of Admiralty should be reminded of the desire already intimated, and be moved to transmit to this Office, as soon as may be, the information they may be enabled to procure upon the subject.

Her Majesty's Government is very desirous to give to the United States' Government, with the least possible delay, an answer upon these and any other cases which may require explanation.

But upon reference to Mr. Stevenson's note, and to the documents which accompanied it, you will perceive that the inquiry may naturally be expected to occupy a considerable time, since the transactions referred to in that note are said to have occurred at various and very distant places.

No time will be lost in obtaining all the details which can be procured, and as soon as Her Majesty's Government shall have received the necessary information, I shall have the honour to address you again upon the subject.

I have, &c.
(Signed) ABERDEEN.

Edward Everett, Esq.,
&c. &c. &c.

No. 289.

The Earl of Aberdeen to Mr. Fox.

SIR, *Foreign Office, December* 31, 1841.

WITH reference to my previous Despatch to you, containing copies of correspondence respecting the visitation of vessels bearing the United States' flag, and suspected of Slave Trade, I herewith transmit to you, for your information, the copies of two letters which have passed between Mr. Everett and myself since the date of my last Despatch to you upon this subject.

I am, &c.
(Signed) ABERDEEN.

H. S. Fox, Esq.,
&c. &c. &c.

Enclosures in No. 289.

1. *Mr. Everett to the Earl of Aberdeen, December* 27, 1841.

2. *The Earl of Aberdeen to Mr. Everett, December* 31, 1841.

(See Nos. 287 and 288.)

UNITED STATES—(*Consular*).

No. 290.

Mr. Consul Buchanan to Viscount Palmerston.

Her Majesty's Consulate, New York, December 15, 1840.
(*Received January* 19, 1841.)

My Lord,

I have the honour to acknowledge your Lordship's Letter, transmitting two series of papers relating to the Slave Trade which had been presented to the Houses of Parliament during the last session, which shall be preserved in this office.

I have, &c.
(Signed) J. BUCHANAN.

The Right Hon. Viscount Palmerston, G.C.B.,
&c. &c. &c.

No. 291.

Mr. Consul Grattan to Mr. Bidwell.

Her Majesty's Consulate, Boston, December 31, 1840.
(*Received January* 19, 1841.)

Sir,

I have the honour to inform you that yesterday morning the American brig "*Tigris*," of Salem, in the state of Massachusetts, arrived at that port from the coast of Africa, sent to this country under the command of Midshipman Jackson, of Her Majesty's brig "Waterwitch," Lieutenant Matson, Commander, having been captured by the latter officer, under the charge of having one negro slave, a boy named Teme, on board.

Mr. Jackson was the bearer of a letter from Lieutenant Matson to Mr. Fox, Her Majesty's Minister at Washington, containing various documents relative to the case; all of which I have forwarded, with a letter from myself, requesting Mr. Fox's instructions for my guidance.

In the mean time the complaint of Mr. Jackson, on behalf of the captors, has been duly lodged in the District Court of the United States in this city; the judge has issued a warrant of arrest against the "*Tigris*," and for the bringing up and examination of the master; and I have put the case into the hands of counsel, to take all measures proper in the interests of the captors. I shall forward the men composing the prize-crew, and belonging to the "Waterwitch," by the "Caledonia" steamer to Liverpool, and will afford every assistance in my power to Midshipman Jackson.

I have, &c.
(Signed) T. C. GRATTAN.

Jno. Bidwell, Esq.,
&c. &c.

No. 292.

Lord Leveson to Mr. Consul Grattan.

Foreign Office, February 8, 1841.

Sir,

I am directed by Viscount Palmerston to acquaint you that your letter of the 31st of December last to Mr. Bidwell, respecting the American brig "*Tigris*," detained by Her Majesty's brig "Waterwitch," has been referred, by his Lordship's desire, to Her Majesty's Advocate-General; and the report of the Queen's

Advocate having been received, I have now received directions from Lord Palmerston to instruct you to discontinue the proceedings commenced by you in behalf of the captors of the "*Tigris*;" and to leave the American authorities to pursue such course as they may deem advisable in the case.

I am, &c.
(Signed) LEVESON.

T. C. Grattan, Esq.,
&c. &c.

No. 293.

Mr. Consul Buchanan to Viscount Palmerston.

Her Majesty's Consulate, New York, January 15, 1841.
(*Received February* 15.)

My Lord,

I have the honour to state that the decision as to the schooner "*Catherine*," mentioned in my letter of the 14th August, 1840, has been set aside, and the vessel condemned: a report of such decision by Judge Thompson I have the honour to enclose.

I have, &c.
(Signed) JAMES BUCHANAN.

The Right Hon. Viscount Palmerston, G.C.B.,
&c. &c. &c.

Enclosure in No. 293.

Judge Thompson's Opinon in the Case of the "Catherine."
United States *versus* Schooner "*Catherine*."

This case comes up on appeal from the District Court for the Southern District of New York. The proceeding in the Court below was for an alleged forfeiture of the vessel for a violation of the Act of Congress of the 10th May, 1800 [3 vol. L.U.S., 382], which declares that it shall be unlawful for any citizen of the United States, or other person residing within the United States, directly or indirectly, to hold or have any right or property in any vessel employed or made use of in the transportation or carrying of slaves from one foreign country or place to another. And any right or property, belonging as aforesaid, shall be forfeited.

The Supreme Court, in the case of the United States *v.* Morris [14 Peters 473], have given a construction to the term employed as here used in this Act. The question, say the Court, in this case is whether a vessel, on her outward voyage to the coast of Africa for the purpose of taking on board a cargo of slaves, is "employed or made use of" in the transportation or carrying of slaves from one foreign country or place to another, before any slaves are received on board? To be "employed," say the Court, in anything, means not only the act of doing it, but also to be engaged to do it, to be under contract or orders to do it. And this is not only the ordinary meaning of the word, but has frequently been used, and in that sense, in other Acts of Congress. That the vessel in question was employed in the transportation of slaves within the meaning of the Act of Congress, if she was sailing on her outward voyage to the African coast in order to take them on board to be transported to another foreign country.

That the "*Catherine*" was an American vessel, sailing under the American flag and documented as an American vessel, is not denied. And the claimant, Charles Tyng, who interposes his claim as owner, was an American citizen. This would seem to bring the case directly within the prohibition in the Act, and subject the vessel to forfeiture. And, indeed, the District Judge in the Court below declares that he should have no difficulty, upon a careful review of the facts and circumstances, in deciding that the charge of the libel had been fully sustained against the vessel, if the charter-party and her outfit and the proceedings under it were the controlling facts in the case. That the pertinency and weight of a similar class of facts and circumstances were fully considered by the Court in the case of the "*Butterfly*," recently decided in this Court, where the vessel was condemned. And the learned Judge adds, that some particulars exist here which would probably be regarded as rendering the inferences and pre-

sumptions there adopted and recognised still more direct and conclusive; but that it seemed to him that the enterprise assumed a new character, subsequent to the execution of the charter-party. That there is nothing in the Act inhibiting an American vessel from carrying any description of cargo to the coast of Africa. She may be legitimately let on freight or chartered for such a voyage. If everything she undertakes to do, as a vessel of the United States, be to carry out and deliver a cargo, she would not, in fulfilling such an engagement, come within the prohibitory enactments of the statute. The statute reaches her only when the evidence shows her outward voyage is only in part fulfilment of her employment as an American vessel, which is to be continued and consummated by transporting slaves into some other foreign country.

I am not disposed to give a construction to this Act which will interdict an American vessel from carrying out a cargo and delivering it upon the coast of Africa, if unconnected with the subsequent employment of the vessel in the transportation of slaves. But I am not prepared to admit that such subsequent employment must be in the character of an American vessel, in order to bring her within the prohibition in the Act. If the circumstances are such as to warrant the conclusion that the outward voyage under the American character and ownership was planned and undertaken with a view and under an arrangement that the owership and character were to be changed on the arrival of the vessel on the coast of Africa, and there to be employed in the transportation of slaves, such vessel would clearly come within the mischief, and I think within the true intent and meaning, of the Act of Congress.

There can be no doubt but that a *bonâ fide* sale of a vessel to be delivered at any given place upon the coast of Africa, unconnected with the ulterior employment of the vessel, and not in aid of an employment in the transportation of slaves, would not subject her to forfeiture within this Act of Congress. But where the voyage is commenced and prosecuted under strong and suspicious circumstances, laden with a cargo and accompanied with preparations that are usually employed in voyages of this description, it imposes no unreasonable hardship upon a party to call upon him to explain and remove such suspicious circumstances. If the adventure is innocent, it may easily be shown to be so.

The language of the Supreme Court, in the case of the "*Josefa Segunda*" [5 Wheat., 356], is very strong on this point. In the execution of these laws (the suppression of the Slave Trade), no vigilancc can be excessive, and restitution ought never to be made but in cases which are purged of every intentional violation, by proofs the most clear, the most explicit and unequivocal.

But let us look a little at the circumstances of this case, and see whether they are not such as call upon the party to give a more satisfactory explanation.

The claimant, Charles Tyng, alleges he is a citizen of the United States, residing in the Havana since the year 1837, and engaged in the business of a ship-broker and commission agent. That some time in the latter part of May, 1839, the schooner "*Catherine*," an American vessel, arrived at the Havana, under the command of —— Wedge, a citizen of the United States, who applied to him and represented that he was authorised by R. W. Allen and John Henderson, citizens of Baltimore and owners of the "*Catherine*," to effect a sale thereof, and employed him for that purpose. That he succeeded in effecting a sale to the house of Don Pedro Martinez and Co.; which sale, however, owing to some misunderstanding, fell through. He, however, feeling confident that the bargain would be consummated, had advanced the purchase-money to Wedge, and he had returned to Philadelphia, after having made him his substitute under the letter of attorney from Allen and Henderson. He afterwards effected a sale of the vessel to Don Tiran of Havana; but had previously chartered her to one Thrasher, who agreed so to modify his charter-party as to meet the terms of sale to Don Tiran. Under these circumstances the "*Catherine*" sailed from the Havana, on her voyage to the coast of Africa, and was captured by the "Dolphin," a British armed vessel, and brought into the port of New York.

These are the general outlines of the case. But a more particular examination of the various circumstances is necessary to a proper understanding of the transaction.

It is proper, in the first place, to notice that, although the claimant, Charles Tyng, was originally an authorised agent to sell the vessel for Allen and Henderson, yet they, having received the purchase-money from him, through Captain Wedge, refused to refund it, and threw the vessel upon his hands. He, therefore, interposes his claim as owner, and alleges himself to be such.

His sale to Tiran bears date the 25th June, 1839, and was for the consideration of 10,000 dollars, provided the vessel was delivered to him at the port of Bona, on the coast of Africa, on or before the 1st day of October; part of the purchase-money was to be paid in advance, and the balance on receiving satisfactory evidence of the delivery of the vessel at Bona; the said Charles Tyng being left at liberty to load or charter the vessel until her delivery at Bona. The money advanced to be refunded to Tiran, in case of failure to deliver the vessel at Bona on or before the 1st of October.

The vessel having been captured before her arrival on the coast of Africa, the sale and transfer of the property in the vessel was never consummated, but remained in the original owner, and whether that ownership was in the house in Baltimore or in Tyng is immaterial, though Tyng asserts himself to be the owner, and must be dealt with as such. He was the owner on her outward voyage, and at the time of the capture. If he was such owner, and the vessel was employed in the transportation of slaves, according to the decision of the Supreme Court in the case of the United States *v.* Morris, how does the Act of Congress affect his interest in the vessel? It declares that it shall be unlawful for any citizen of the United States, directly or indirectly, to hold or have any right or property in any vessel employed or made use of in the carrying or transportation of slaves from one foreign country or place to another; and any right or property belonging as aforesaid shall be forfeited. The forfeiture attached upon the violation of the prohibition; and that violation occurred the instant the vessel was employed in the transportation of slaves, or, in other words, at the commencement of the voyage, if such voyage was prosecuted with the view and for the purpose of transporting slaves from one foreign country or place to another foreign country or place. That such was the purpose for which this vessel was purchased by Tiran, and was proceeding to the coast of Africa, admits of but little doubt. It was intimated on the argument, that there was no such place as Bona on the West Coast of Africa, where the Slave Trade is carried on. And if the vessel was to be delivered at Bona, on the coast of Algiers, it afforded no grounds of suspicion. But this suggestion was so utterly improbable, that it was not pressed, and is entitled to no consideration. That there is such a place as Bona (as known and understood by the parties) on the West Coast of Africa, cannot admit of a doubt.

The charter-party, entered into between the claimant and Thrasher, bears date on the 15th day of June, 1839, for a voyage from Havana to Isle of Principe, or other port or ports on the coast of Africa, as the agent of the charterer may direct. The charterer to provide a crew, and furnish them with all necessary provisions, &c., for their maintenance during the voyage, and to pay all port charges. The charterer to pay 300 dollars per month, for eight months; and if the vessel should be at sea at the expiration of said term, the charter-party to continue until her arrival and the cargo shall be discharged.

The charterer gave to Captain Peterson, the master of the vessel, instructions to proceed to the Isle of Principe, and on his arrival there to consign the vessel and cargo to Joseph Pereyra, and deliver to him the certified invoice enclosed in the letter of instructions, and giving him directions implicitly to obey the instructions of Pereyra. And, in his letter of instructions, he says, "A number of persons having applied to me for passage out in the schooner, I have consented; but you will take care that their passports are in order, and that there are no circumstances attending them which will be likely to bring you into the least difficulty." Pereyra, the consignee of the charter, was at Havana, and went out as supercargo. It appears from the deposition of Robert N. Dundas, mate of the "Dolphin," that, when the "*Catherine*" was captured, the witness demanded of the captain his papers, and a number were delivered up, which are unimportant to be noticed here. Soon after Lieutenant Holland came on board the "*Catherine*," and Captain Peterson was searched, and there was found concealed on his person a certain paper, which among the exhibits is marked No. 33, and which will be hereafter noticed. From this deposition of the mate, it appears that the crew of the "*Catherine*" consisted of eight persons with American protections, including the captain, and about twenty or twenty-five foreigners, mostly Spanish and Portuguese. That six or eight men would be quite sufficient to navigate the "*Catherine*" in a lawful trade. That there was found on board a larger boiler, or cooking apparatus, sufficiently large to have cooked for three hundred people; a quantity of lumber, which was prepared and numbered for laying a slave deck,

and would easily have been put up, as a slave deck, in a few hours after the cargo was discharged. A number of leaguers were found on board, some made up and some in shooks; about nine were made up, and materials for about six more. Each would contain five or six hundred gallons. There were found on board about five hundred and seventy wooden spoons, similar to those used in slave vessels. There were thirty-eight large tin dishes, and a number of small ones. That the equipments above-mentioned are such as are usually found on board of slave vessels, and he has never seen them elsewhere. They found no irons, but they are generally concealed in the lower part of the vessel. And from the evidence taken in this Court upon the appeal, it appears that two bags of iron manacles were found concealed under the cargo; one was counted, and contained seventy-five, and the other appeared to be about the same size. The mate further testified that the "*Catherine*" was captured three or four miles from Cape St. Paul's. That the cargo found on board was such a one as an honest trader would not have on board trading with the coast of Africa, and it was also such a one as a slaver would have on board. That the lumber and large boiler would excite suspicion. The document before referred to, which was found on the person of her master, although without date or signature, is deserving of notice. It is as follows:—

"The main thing for you to do on this voyage is to be ready, in case you are boarded by a man-of-war, to show your log-book, which must be regularly kept from the time you leave here, your ship's papers, your charter-party for the voyage, your ship's roll and instructions; and you are in that event to take all command with your American sailors according to your roll—*all the others are to be passengers*. You are to be very careful that, in case of any cross-questions, you do not commit yourself, but always stick to the same story. When the vessel is discharged, you must at once cut your register in two pieces; one piece you must enclose direct, and send to Messrs. Thomas Wilson and Co., Baltimore; the other piece you will bring with you, and give to me when you return here. You must be very particular about that, and do not let any time pass after the cargo is out before you cut the register in two pieces, and be careful to keep them separate. Throw one piece overboard, if you are obliged to, by being boarded by a man-of-war."

It is not very certain from whom this document emanated. It must have been from some person having an interest in the vessel or in the voyage, and most probably from either Thrasher, the charterer, or Tiran, the conditional purchaser. The language as to the disposition of the register would seem more appropriately to come from Tiran, who was to become the owner. But, from whomsoever it came, being found on board the vessel, and forcibly taken from the master, it was a document connected with the voyage, and bears evident marks of suspicion that the adventure was not in reality what it purported ostensibly to be, a fair and legal voyage to the coast of Africa. If so, no disguise was necessary. The directions, in case of being boarded by a man-of-war, to take all command with the American sailors, *and all the others to be passengers*, show that they were not in reality passengers, but connected with the vessel, and were to assume the character of passengers as a disguise. It is, in the first place, highly improbable that any persons should be going out to that part of the coast of Africa as mere passengers. But. considering them connected with the ulterior employment of the vessel in the transportation of slaves, their being on board is easily accounted for. When a cargo of slaves was taken on board, it would require the vessel to be manned by a greater number than would be required for the mere navigation of the vessel.

From a careful examination of the proofs in this case, I am satisfied that this vessel was chartered, fitted out, and laden at Havana, with intent to be employed in the Slave Trade, prohibited by the Act of Congress of the 10th of May, 1800; and the circumstances connected with and attending the outward voyage, in my judgment, lead irresistibly to the conclusion, that the arrangement made with respect to the conditional sale of the vessel, and the delivery of the possession at Bona, was a part of the contrivance to avoid the interruption of the adventure by capture. If this was a real and *bonâ fide* sale of the "*Catherine,*" it is a little remarkable that no person is designated to whom possession was to be given at Bona. Tiran, the purchaser, was in Havana, and would not himself take the possession. It appears, from the letter of instructions to Captain Peterson, by Thrasher, the charterer, the vessel and cargo were to be consigned to Pereyra, who went out as supercargo. But there is nothing showing any con-

nection between him and Tiran. If the outward voyage of this vessel to the coast of Africa was unconnected with the subsequent employment of the vessel in the transportation of slaves, it certainly requires explanation why she was so peculiarly fitted in every respect for the transportation of slaves. And, unexplained, they lead irresistibly to the conclusion that the whole was one connected scheme to send out this vessel to be employed in the transportation of slaves.

If this was a concerted plan between Thrasher and Tiran, in the purchase and charter of the vessel, the more easily to elude capture and condemnation, it is difficult to conceive how Tyng, the claimant, could have been ignorant of the object and purpose for which this arrangement was made, and he must therefore be considered a party to it, and the whole must be taken to be one continuous enterprise. And if so, the mere change of property in the vessel, after her arrival on the coast of Africa, could not legalise the transaction.

The penalty was incurred and the forfeiture attached from the very inception of the voyage, if it was commenced for the purpose of taking on board and transporting slaves. It is true that the penalty of this Act of Congress is levelled against American property employed in the manner prohibited; but I cannot think that the confiscation is limited to the American interest at the time she is engaged in the actual transportation of slaves. If such is the construction to be given to this Act, it may be evaded with the utmost facility in every case. I cannot yield to the construction, that the whole adventure must be performed whilst the vessel retains her American character and ownership. Where the change of ownership is a part of the scheme, the forfeiture attaches upon all interests concerned. The vessel becomes tainted with the offence, wherever she may go, or into whatever hands she may fall. The ownership of this vessel on her outward voyage was certainly American. The transfer of the title never did take place, the vessel never having arrived at Bona. The American interest was therefore forfeited within the express terms of the law. And if the arrangement made with Tiran, the purchaser, was for the purpose of evading the penalty of our law, he cannot claim any protection of his interest in the vessel in the courts of this country.

I am accordingly of opinion that the vessel became forfeited under the Act of Congress, and that the decree of the District Court must be reversed, and a decree of condemnation entered.

Under the view of the case taken by the District Judge, it did not become necessary to pass upon the question whether the claimant, Tyng, has shown a lien in respect to his advances to the owner, which would be protected in case of condemnation of the vessel. But although, according to my view of the case, a decree of condemnation has passed against the vessel, I cannot conceive on what grounds the claimant can be entitled to his claim for advances. His whole claim rests upon his setting himself up as the sole owner of the vessel, which has been thrown upon him by her former owners, by reason of the first sale made by him to Martinez and Co.; the purchase money having been paid over by him to them. It is the interest, therefore, of the claimant which has been adjudged forfeited; and a decree in his favour for the advance made by him, which was the whole purchase money, would be directly repugnant to the decree of condemnation. The ground upon which condemnation has been pronounced is, that he was an offending party, and implicated in the whole arrangement made touching the adventure. And if so, he comes with an ill grace to ask for the protection of his interest, after being defeated in his illegal undertaking.

Nor do I see how the seamen's claim for wages can be sustained as a lien upon the vessel, according to the view taken by the Supreme Court of this law, in the case of the United States *v.* Morris. Although they have in their claim denied having any knowledge that the vessel was to be engaged in any unlawful enterprise, yet nothing has been shown by them in any manner supporting this denial. And the circumstances disclosed certainly show a *primâ facie* case leading to a contrary conclusion. The two seamen who have petitioned for an allowance of their wages are William Michael and James Foxcroft. I do not find their names on the crew list or in the shipping articles. But assuming them to have been a part of the crew, they must have known that the vessel was going on a voyage to the coast of Africa. There is no pretence of any misrepresentation to them in this respect. The shipping articles describe the voyage to be from Havana to the Isle of Principe, or to trade to other ports on the West Coast

of Africa, and for a voyage not to exceed eight months. No mention is made of a return of the vessel to Havana or elsewhere. But from any thing appearing on the face of the articles to the contrary, their services were to terminate on the coast of Africa, and they left there, or that they expected to be retained on board the vessel in whatever service she might be engaged at the end of the eight months. This latter expectation was most likely what they hoped to realise. And this affords very strong presumptive evidence that they understood, or had reason to believe, that the vessel was to be employed in the transportation of slaves: and if so, they were guilty of a criminal offence, within the Act of Congress now under consideration.

Their claim for wages must accordingly be denied.

No. 294.

Mr. Consul Grattan to Viscount Palmerston.

Her Majesty's Consulate, Boston, January 31, 1841.

(Extract.) (*Received February* 16.)

I HAD the honour of reporting, on the 31st ultimo, to the Superintendent of the Consular Service, for your Lordship's information, the arrival at Salem, in the State of Massachusetts, of the American brig "*Tigris*," of that port, sent hither from the coast of Africa by Lieutenant Matson, commanding Her Majesty's brig "Waterwitch," under the charge of Mr. Henry Stanley Jackson, midshipman of the latter vessel. A letter from Mr. Matson to Mr. Fox, enclosing copies of the documents connected with the case, was forwarded by me to Washington, and I have kept Mr. Fox informed of the proceedings which have taken place here, by my letters of December 31, January 18, 23, and 29.

This case of the "*Tigris*" is of great importance, opening a wide field for discussion on questions of international law and personal responsibility. It may lead to much diplomatic correspondence and legal examination. It may force on a decision as to the true construction of the legislative enactments of the United States relative to the Slave Trade; and will be the means of testing the sincerity of the Federal Government in all that it has said on the subject, as well as of trying the true bearing of public opinion regarding it in this country. Mr. Matson and Mr. Jackson have no doubt communicated to the Admiralty the circumstances of the particular case at issue; but I, nevertheless, think it advisable briefly to state to your Lordship the facts from first to last.

On the 7th of October last, Lieutenant Matson, cruising in the "Waterwitch," off the coast of Africa, having received information that the "*Tigris*," then at anchor off Ambrise, had a negro slave boy on board under suspicious circumstances, he boarded the vessel, and after a course of preliminary inquiry detailed in his letter (Enclosure No. 1), he sent her to this country under charge of Midshipman Jackson, as before stated.

Mr. Jackson's orders were to take the brig to Boston. The state of the weather obliged him to make the harbour of Salem; and thus the vessel was brought back to the port whence she had sailed, with as little inconvenience as possible, under the circumstances, to the owners, Messrs. Brookhouse and Hunt, of that place, and none at all to the master or the crew, who were, with one exception, as far as I can learn, natives of the town.

The "*Tigris*" was navigated on her homeward voyage by a crew of seven men and a boy belonging to the "Waterwitch," under Mr. Jackson's orders. The master, mate, and seven men, forming the original crew of the "*Tigris*," came home in her, it may be said as passengers. They were nominally under a certain degree of restraint, but cannot be said to have been prisoners, for no arms of any kind except Mr. Jackson's sword were permitted to be taken on board by Mr. Matson; and from the moment the brig arrived at Salem, the crew were at perfect liberty.

The voyage was a tedious and somewhat perilous one. The ship was old and leaky; and Mr. Jackson had great difficulty in managing the American crew of the "*Tigris*," who were naturally ill-disposed towards him; so much so that one of the sailors on one occasion struck him a blow with a heavy weapon on the back of the head, so violent as to have nearly killed him, and from the effects of which he had scarcely recovered when he arrived here, four or five weeks after the transaction.

I must here take occasion to remark that the conduct of this officer throughout this arduous service, and during the proceedings which have taken place here, appears to me to be in the highest degree creditable to him, and to entitle him to the most favourable recommendation to the Lords of the Admiralty.

Mr. Jackson arrived with the "*Tigris*" at Salem on the morning of December 30. He immediately came to Boston, and called upon me according to the orders he had received from Mr. Matson, and without delay put himself into communication with Mr. E. Smith, the Deputy District Attorney of this State, formally giving up the custody of the vessel into his hands. The Marshal of the District Court accordingly took possession of the vessel and cargo. Summonses were immediately issued for the appearance of the captain and crew before Judge Davis; and they were twice examined in open court, on January 1st and January 9th, Mr. Jackson giving his testimony, and the negro boy Hemé being present.

The enclosures (Nos. 2 and 3) give the details of these examinations. There is, however, an error in the report on one point. The master of the "*Tigris*" was required to find sureties in the sum of 3000 dollars, the mate in the sum of 1500 dollars, and Mr. Jackson was bound over in his own recognisance to the amount of 500 dollars, to appear as a witness for the United States' Government, on the criminal prosecution against the master and mate, before the Circuit Court to be held at Boston on the 15th of May next.

I beg to observe to your Lordship that up to this stage of the proceedings I had taken no part beyond sending home the men of the "Waterwitch," supplying Mr. Jackson with money for his personal wants, putting him in communication with Messrs. Sumner and Hilliard as counsel, and giving minute attention to what was going on. It appeared to me that the affair was entirely between Mr. Matson, the owners of the "*Tigris*," and the Government of the United States. Mr. Jackson, acting for Mr. Matson and the officers and crew of the "Waterwitch," was now advised to file a libel against the "*Tigris*" and her cargo, which had been in the mean time returned into the possession of the owners, under an honorary engagement (which I have no doubt has been respected) that nothing should be made away with until some decision should take place on the question of the legality of the libel being filed in the name of Mr. Matson, represented by Mr. Jackson; the District Attorney, Mr. Mills, declining to file it on the part of the United States, being, as he stated, without any advice from Washington on the subject, it was proposed by Mr. Jackson's counsel to file the libel in my name; but being uninformed of Mr. Fox's opinion, and considering it imprudent at present to take a step that might seem to compromise, more or less, the British Government in a measure that might excite irritation in the public mind of this country, I declined the proposal. The libel was consequently filed in the name of Mr. Matson on the 15th instant; a "monition" to show cause was issued and served on the owners of the vessel; and Monday, the 25th instant, was fixed on for the hearing of the argument before Judge Davis, in the Admiralty side of the District Court.

On Saturday evening, the 16th instant, at six o'clock, Mr. Jackson was arrested by the Deputy Sheriff on four separate actions of trespass, brought against him by as many sailors of the "*Tigris*." The damages in each action were laid at 1000 dollars, the return of the writs being for the third week in March; and the cause of complaint, an alleged trespass on the part of Mr. Jackson, for having with eight other armed men boarded the "*Tigris*" on the coast of Africa, taken the complainants, and detained them twelve days on board the "Waterwitch," and subsequently transported them as prisoners to the United States. The object of this proceeding evidently was, that Mr. Jackson should have been committed to jail, from the improbability of his being able to find bail, in two sureties, each for 4000 dollars, as required by the law. The Deputy Sheriff, however, accepted my security for Mr. Jackson's appearance on the following Monday, on my signing bail-bonds to the amount of 4000 dollars.

On Monday, the 18th, I caused a writ of *habeas corpus* to be issued; and on Wednesday morning, the 20th, (the Deputy Sheriff allowing my security to continue from day to day,) Mr. Jackson appeared before the Judges of the Supreme Court, and was there served by the Deputy Sheriff with four additional writs, for actions of trespass, at the suit of the captain, mate, and two others of

the crew of the "*Tigris*;" the damages being laid altogether at 9000 dollars, making a total, on the eight actions, of 13,000 dollars.

From the complicated aspect of these proceedings I thought it necessary to engage the Attorney-General of the State, Mr. Austin, in addition to Mr. Jackson's other counsel. I had previously applied to Mr. Mills, the District Attorney, to claim the protection of the Court for Mr. Jackson, on the ground of his being detained here solely for the purpose of giving testimony as a witness, bound over in his own recognisance, on the part of the United States' Government, in a criminal prosecution instituted by Mr. Mills, and entitled to the usual amount per diem paid to witnesses. Mr. Mills declined acceding to my proposal, not having, he said, received any answer to his communication to the Attorney-General at Washington. The enclosed reports of the proceedings before the Court do not by any means do justice to the forcible reasoning of the Attorney-General, while demanding the discharge of Mr. Jackson.

The decision of the Court was pronounced the following morning by Chief Justice Shaw. He refused the protection of the Court to Mr. Jackson as a witness; not finding, as he stated, any precedent to authorize his doing so; he, however, reduced the required amount of bail one-half, fixing it at 6500 dollars on the eight actions.

This decision caused much surprise to many of the most respectable members of the bar. One of the judges forming the Court (Judge Putnam) authorized a statement in one of the public papers, expressing his dissent from it, and his opinion that Mr. Jackson was entitled to his discharge. Several gentlemen offered to become his bail; four were selected by the Deputy Sheriff, and signed the bail-bonds, those I had executed being cancelled and delivered up to me.

On the 25th, 26th, 27th, and 29th instant the question of filing the libel, and issuing process against the "*Tigris*" and her cargo, was argued at great length before Judge Davis, by Messrs. Austin and Hilliard for the seizors, and Messrs. Choate and Perkins for the owners. I regret that those arguments have not been yet reported, as it is impossible for me to give your Lordship a satisfactory abstract of them.

The immediate questions on which Judge Davis is to pronounce his decision on Tuesday next, the 2nd of February, are:—

First. Shall Mr. Matson (represented by Mr. Jackson) be allowed to file the libel against the vessel and cargo?

Second. In case he be allowed to file the libel, shall he be required to stipulate (the technical phrase for finding security) for the respondents' costs, which he would be liable to pay in case of failure of the proceedings instituted against the vessel and cargo?

Third. Shall he be required to stipulate for *damages*, to be proceeded for by the respondents (Messrs. Brookhouse and Hunt), in case of failure of the proeeedings instituted against the vessel and cargo?

The counsel on either side have argued those questions with much ability. I cannot anticipate the decision of the Court, but I presume it probable that Judge Davis will allow the libel to be filed, requiring Mr. Jackson to stipulate for the respondents' costs, which may amount to 500 dollars, more or less. To grant the respondents' demand, that Mr. Matson, as the informer, should stipulate for *damages*, unascertained and scarcely to be calculated with any degree of precision, would be to quash the proceedings altogether. The respondents would no doubt lay their damages at an excessive amount, for which it would be impossible that Mr. Jackson could find securities in this place.

First Enclosure in No. 294.

Lieutenant Matson to the Secretary or Registrar of either of the Circuit Courts of the United States.

Her Britannic Majesty's brig "Waterwitch,"
off Angola, October 19, 1840.

SIR,

I HAVE the honour to inform you that I have detained and sent to Boston the American brig "*Tigris*," under the following circumstances:—

Having received information that she had a negro slave-boy on board, under suspicious circumstances, I boarded her while at anchor off Ambrise, on the 7th instant, and on my calling on the mate, who was in charge of the vessel, to account for the boy being there, he stated that he was received at St. Thomas's, and was going with them to America; the master coming on board soon after, made the same statement, and produced a passport, which was evidently a false document. Finding that the boy did not understand a single word of either English or Portuguese, I disbelieved the story, and called on the crew, who all confirmed the master's statement. From the Kroomen I learned that he had lately been taken on board at Benguela; and on my asking the master if that were not the case, he boldly and confidently denied it.

I then placed an officer and six men on board the "*Tigris*," and proceeded to St. Paul de Loando (Angola), for the purpose of hearing the boy's statement through an interpreter; his deposition was taken before the Chief Judge of the city of Loando, through the medium of two sworn interpreters, and in the presence of several British and Portuguese naval officers, an attested copy of which I beg to enclose (A); by that it appears that he is a native of "Guilengues," near Benguela, from whence he was forcibly taken by the crew of the "*Tigris*." I then returned to Ambrise, and informed the master that I intended sending his vessel to America, on which he presented me the enclosed letter (B); in consequence of which letter I proceeded to Benguela, and procured the deposition of Joao Maria de Souza e Almeida, as well as attested copies of his correspondence with Jozé de Castro, relative to this boy (enclosure C).

By these documents it appears that Castro sent a Nagó slave to Benguela in the "*Tigris*," at which place he now is, a slave of Almeida's, and where he is likely to remain. It further appears that the boy "Hemé" was being transported in the "*Tigris*" from his own country to St. Thomas's, in consequence of his having been sold to Castro, whose property he now actually is; the reason for this exchange or barter is known to all who are acquainted with this coast, viz., that foreign slaves are of much greater value than natives of any neighbouring place, who cannot be trusted at large, and are generally worked in chains to prevent their going "home" without leave, which is impossible for those who are brought from a great distance. The ultimate fate of the boy "Hemé" was of course uncertain; had he been sent in the "*Tigris*" to America, he might have been sold there, or he might have returned to St. Thomas's; but it is evident that he would never have returned to his native country.

These, sir, are my reasons for taking upon myself the responsibility of detaining the "*Tigris*," but in doing so I find myself placed in a very delicate position, not having any orders or instructions to interfere with vessels belonging to citizens of the United States, whatever their employment might be; but having maturely weighed the bearings of this case, I feel it a duty which a British officer owes to the Government of the United States, not to allow a crime which our respective Governments have each declared to be piracy, to pass unnoticed. I have, therefore, sent the vessel (failing to meet a cruiser of the United States) to the port from whence she sails, to be dealt with according to those laws which have been so glaringly violated.

I have, &c.

(Signed) H. I. MATSON,
Lieutenant and Commander of Her Britannic Majesty's brig "Waterwitch."

Letter of Captain Frye, alluded to in the above.

"*To the Lieutenant Commanding Her Majesty's brig 'Waterwitch.'*

"SIR,

As you have detained the American brig '*Tigris*,' under my command, under circumstances which to you are suspicious, I wish fully to explain all the circumstances of the case to you. July 17th, 1840, I arrived at St. Thomas's direct from Salem, United States of America. While there, finding my cook and steward drunk, I punished him, and turned him out of the cabin, and requested Jozé de Castro to let me have a boy to carry to the United States, to act as steward in the cabin. He let me have one, but as I did not much like his appearance, he told me that if he did not prove good I might

leave him with his friend John Almada, of Benguella, and for that purpose I got a passport for him. Upon arriving at Benguella, which I did on the 18th of September, I sent the boy on shore, and before sailing I took a boy of John Almada on board, to carry to the United States, and put him on the shipping articles. Letters which I carried to Benguella from J. de Castro to John Almada, I think explained all to him, and the purposes for which I wanted him, and what I was going to do with him. On the 7th of October, while I was on shore, I saw your brig off the port. Your boat soon after boarded the '*Tigris*,' and upon the officer's asking about the boy, he was told by the mate that he belonged to St. Thomas's, and came from there; and his reasons were, that as I was not on board he thought there would be less questions asked if he said he came from there. Soon my boat came on shore, and informed me of the boy's having been taken out of the brig by you. I immediately went on board, and upon getting there was told by the mate that he had told you the boy came on board at St. Thomas's, and his reasons for so doing. Soon after your boat again returned, bringing back the boy; and now, I thinking if I told you he came from Benguella, the different stories would lead to some detention, I said he belonged to St. Thomas's, as J. de Castro of there is the one that gives him liberty to allow him to go to the United States. My log-book and shipping articles are sufficient security for me, and even if I had him not logged, the custom of our vessels carrying these boys home to learn English would warrant me in it. You now have on board the 'Waterwitch' a Kroo boy that I took at Cape Palmas on my last voyage, and had him with me 12 to 14 months. On my previous voyage I had taken one of these boys home. Cape Palmas was my first port, and I then had the boy on board, bringing him back, at the time I took said Kroo boy on board. Were more proof wanting as regards my intention towards the boy, you will easily find it in the letters which J. de Castro wrote to John Almada of Benguella.

"One part of my conduct to you *I regret exceedingly, and which I am aware will lead to great censure in the United States:* that when you asked all my crew I did not check them. But seeing them all give the same answer, I was in hopes they did not recognise the boy; but was afterwards told by my mate that he had told them all to say he came from St. Thomas's, as they were not on oath.

(Signed) "N. AUGUSTUS FRYE,
"*Commanding the American brig* 'Tigris.'

"Witness to this copy,
"SAMUEL BURNHAM, *Mate.*"

Second Enclosure in No. 294.

Extract from the "Daily Advertiser and Patriot."

DISTRICT COURT OF THE UNITED STATES.

Slave Trade.

Saturday, January 2.

YESTERDAY morning Nathan Augustus Frye, master of the brig "*Tigris*," of Salem, and the crew of the brig, were brought before the District Judge, on the complaint of E. Smith, jun., for the Government, charged with being engaged in the transportation of slaves, contrary to the Act of Congress of 1818, chap. 86, sec. 4. On being interrogated by the Court, they severally said that they were *not* guilty. Their counsel proposed to go into the examination at once; but the Court consented to postpone it till Monday, when it was hoped Mr. Mills, the district attorney, would be present. It was suggested that the evidence might be of such a nature as to authorise a detention for a capital offence. The deposition of the negro boy, said to have been transported or seized as a slave, and certain other papers throwing light on the case, being in Portuguese, were placed in the hands of the Honourable John Pickering, who consented to translate them for the use of the Court. The defendants recognized with sureties in the sum of 500 dollars each, for their appearance on Monday next.

The negro boy was in court. He appeared to be about 13 years of age; he speaks nothing but his native language, and it is doubtful if there is anybody in the country who can understand him. He appeared not a little frightened by the proceedings in the midst of which he found himself. A question arose as to the custody in which he should remain. He has been with the master thus far, and it was allowed, with the consent of all the counsel in the case, that he should continue with him till the examination. This course was adopted from a desire to avoid causing the unfortunate boy needless fright by a change of custody, the reason of which it was impossible to explain to him. Messrs. Robert Brookhouse and William Hunt, of Salem, recognized for his appearance in court on Monday morning in the sum of 1000 dollars. They are the owners of the brig, and most respectable merchants, against whom there is no suspicion or suggestion of any scienter or knowledge of the alleged dealing in slaves.

The brig was sent to the coast of Africa with a cargo of merchandise, to be exchanged at different points on the coast for the produce of that country, intended for the Salem market—a trade in which the owners have for many years been engaged. At the time of her seizure by the British cruiser "Waterwitch" she had disposed of the greater part of her outward cargo, had received on board part of her homeward cargo, and purchased the residue. The cargo actually taken on board, with the undelivered portion of the outward cargo, has been brought to Salem with the vessel, and is of much value.

The "*Tigris*" was taken possession of on the African coast by Mr. Matson, lieutenant and commandant of Her Britannic Majesty's brig "Waterwitch," under circumstances which led him to suppose that she had on board the negro boy above mentioned, in violation of the law of the United States prohibiting the Slave Trade. Mr. Matson placed on board of her Mr. Jackson, an officer of the "Waterwitch," and seven men, who have conducted her, with her crew, to Salem. The original master and crew of the "*Tigris*" were sent home unconfined, and attended in Court yesterday, by arrangement with the Marshal, without having been actually arrested. The brig "*Tigris*" and her cargo are now in the custody of the Marshal, to be proceeded against for a forfeiture, on account of the alleged violation of the laws of the United States against the Slave Trade, one moiety whereof accrues to the United States, and the other moiety to the informer, the British seizor. It is not probable that the case will be very fully examined in the preparatory stages.

Mr. Jackson, the British officer, attended in Court; he will probably give testimony in the criminal proceedings. He also represents the interests of the British seizors in the proceedings for a forfeiture.

It will be recollected that Mr. Matson, the commander of the "Waterwitch," who made the seizure in the present case, was engaged in the capture of the piratical crew of the Spanish brig "*Panda*," who was tried in Boston in 1834.

E. SMITH, Jun., for the United States.

CHOATE and J. C. PERKINS, of Salem, for the master and the owners of the "*Tigris*."

GEORGE S. HILLARD and CHARLES SUMNER for the British seizors.

Third Enclosure in No. 294.

UNITED STATES' DISTRICT COURT.—January 9.

The brig "Tigris" *case disposed of for the present.*

ON Saturday last the examination of the captain and crew of the "*Tigris*" actually came on before Judge Davis, and lasted from twelve o'clock till three. They were defended by Mr. Choate of this city, and Mr. Perkins of Salem. Mr. Mills, district attorney, conducted the prosecution in an energetic manner. The complaint is as follows:—

"*United States of America,*
"*Massachusetts District Sessions.*

"To the Honourable John Davis, Judge of the District Court of the United States for the district of Massachusetts:—

CLASS D.

"Ebenezer Smith, junior of Boston, in the district of Massachusetts, in behalf of the said United States, on his oath, complains, and informs your Honour, that Nathan A. Frye, Samuel Burnham, Cornelius Hendrickson, David Asker, John P. Mansfield, Thomas Williams, George Scotchburn, Michael Gould, Daniel O. Frye, and Andrew Williams, all now commorant of Salem, in said district, mariners, being citizens of the United States, and the crew of a certain brig called the '*Tigris*,' owned by certain citizens of the United States to your complainant unknown, on the 18th day of September last past, at a port called Benguella, on the coast of Africa, did take a negro boy, being a native and an inhabitant of said coast of Africa, with intent to make such negro a slave—the said negro not being held to service or labour by the laws of either of the States or territories of the United States, and contrary to the form of the statute in such case made and provided. And the said complainant further gives your Honour to be informed, that the said Frye, Burnham, Hendrickson, Asker, Mansfield, Williams, Scotchburn, Gould, Frye, and Williams, first brought into the said district of Massachusetts, after committing the said offence. Therefore, the said complainant prays that the said accused may be apprehended and held to answer to this complaint, and further dealt with relative to the same according to law.

"And furthermore, the said complainant prays that Henry Jackson, and Hemé the black boy, and Tom the steward, may be duly sworn to appear and give evidence relative to the subject matter of this complaint.

(Signed) "EBENEZER SMITH, Jun."

When this complaint was entered Mr. Smith was acting district attorney in the place of Mr. Mills. The defendants were arraigned upon it on the first instant, and severally pleaded not guilty.

We have before published the letters of Lieutenant Matson and Captain Frye, of the "*Tigris*," and it may be recollected that the latter fully confessed, under his own signature, that himself, mate, and crew attempted to deceive Lieutenant Matson, by telling him that he took Hemé on board at St. Thomas's, and not at Benguella.

The first witness examined on Saturday was Henry Stanley Jackson, midshipman of the "Waterwitch," and prize-master of the "*Tigris*;" and he testified that he twice boarded the "*Tigris*" with Lieutenant Matson, and heard the false statements made by the mate and crew in relation to the place where Hemé was taken on board. They suspected the untruth of the statement, which was assented to by Captain Frye, because the boy could not speak a word of English or Portuguese; the latter he must have learnt at St. Thomas, if he had belonged to that island. They said they were going to take the boy to America for instruction. Captain Frye also produced a passport for the boy from St. Thomas.

Cross-examined.—We took a rough inventory of the brig's cargo. We found nothing on board of her which indicated that she had been fitted up for the Slave Trade. Most decidedly not. I was put in charge of her, and ordered to take her to the United States, and to treat the captain and men with the greatest civility.

The second witness was Andrew Williams, a coloured man, who belonged to the "*Tigris*," and he testified that Hemé was brought on board at Benguella, in a boat, by Brown and Mansfield. There were also some Kroomen, and a bullock for the brig's use, in the boat. There was a boy received at St. Thomas, but it was a different one from Hemé.

The following depositions, taken at Angola in the Portuguese language and translated by order of Judge Davis, by the Honourable John Pickering, the city solicitor, were put into the case, as having a tendency to show that the defendants ought to be held to answer to an indictment at the next Circuit Court.

1*st.*—*Hemé's Declaration.*

"Angola.—An instrument in public form, with the tenor of a declaration, as is below set forth:—

"The tenor of the declaration which Hemé the black makes. On the ninth day of the month of October, 1840, in the city of Loando, and province of Angola, at the house of the residence of the honourable Judge in Ordinary, Ignacio Joaquim de Mello Pereira, officiating as judge at law in this province of Angola and its dependencies, to which I, the notary, come in order to take by judicial order the declaration made, at the request of the lieutenant commanding the brig-of-war of Her Britannic Majesty the 'Waterwitch,' Henry James Matson, by Hemé the black, found by the said commander on board of the American brig '*Tigris*.'

"And there being present Jozé Francisco de Coutto and Felippe Vellasco, appointed interpreters, the said judge administered the oath on the Holy Evangelists, under which he charged them that they should well and faithfully, and without deceit or malice, declare and translate into the Portuguese language the declarations which should be made by Hemé the black, who was present; and the said oath being taken by them, they accordingly promised to comply therewith; and having put to the said black such interrogatories as were indicated by the officer, the said black declared as follows:—

"'That he is a native of the interior country of Quinlenges of Benguella, and that he is ignorant of his age, which appears to be 13 or 14; that in the said interior country he was bought by a man of the name of Nicoláo (Nicholas), who sold him to another named Joaquim Ferreira, who again sold him to another person of the name of Alexander, and that person sold him to Miguel Baptista, a resident in Benguella, who gave him in exchange to a merchant, Joao Maria de Souza e Almeida; and this person, receiving the declarant for the service of his house, or as a house-servant, ordered him, with other slaves of his, to transport some lime, in casks, from the shore to his house; and while he was minding some of the said casks, and the slaves were carrying others, this declarant, remaining alone on the shore, was seized by the crew of a boat belonging to a foreign ship, which, taking this declarant on board, set sail the same day; and at the end of four days he went on board of another vessel, 'Waterwitch,' where he now is, and from which he came this day, being commanded to appear before the said officer to make the present declaration.

"And thus the said officer has completed this official act, which he has signed, together with the interpreters, and with the witnesses named below:: I, Alvarro de Costa, Notary of the Judicial District, have signed the same:: Mello Pereira:: Alvarro de Costa:: Jozé Francisco de Coutta:: The sign of the cross of the Interpreter:: Felippe Velasco:: as witnesses:: Francisco Teixeisa de Mironda:: Jozé Gorres Rimires."

Act of Examination.

"In the year of the birth of our Lord Jesus Christ 1840, on the 9th of the month of October of the same year, in the house of, &c., to which I, the notary, came in order to proceed to an examination of the marks and brands of iron which should be found on the body of Hemé, the black; which is at the request of the lieutenant commanding, &c., the 'Waterwitch,' there being present likewise the notary of the Correctional Police, Manoel Antonio Rodriguez; and by him and me, the notary, in presence of the witnesses whose names are hereto signed, the said examination was proceeded in, and it was found that the said black boy has no mark of iron on his whole body, and scarcely on his arms some marks of inoculation of the small pox, and, in addition to these, a smaller scar on the left cheek, which the said black, upon being interrogated why it was there, answered, that it had been made a long time before by a wound received by a piece of wood; and, upon being asked, likewise, if it was in the island of St. Thomas, or where it was that this wound had been given, he answered that his country was in Quilengues de Benguela, and that he never was in St. Thomas's, nor did he know where that is. [Names of witnesses repeated.] And nothing more was contained in the Declaration and the Act of Examination, which I, the notary, have extracted from the originals with truth, and without anything to cause any doubt therein.

"By me written and signed, and composed, in this city of Loando, in the province of Angola, the 9th of October, 1840. Alvarro de Costa, Notary Public, who wrote and signed."

Almeida's Declaration.

" The tenor of the declaration which was made by Joao Maria de Souza e Almeida, merchant in this place, respecting a negro lad, Gil, who is in the possession of the declarant, as also another, named Imé, who was in Angola, as is hereinafter set forth :—

" On the 16th of October, &c., in the house of the judge, &c., in Benguela; to which I, the notary in his jurisdiction, came, there appeared said Almeida, merchant of this place, whom I know to be the person in question, and attest: and of him was required by said Judge, and declared that in consequence of the negro lad Imé, whom he had sent from hence on board of the American brig '*Tigris*,' in the room of another, named Gil, who remained in possession of this declarant, and for this cause the said American brig had been taken by the English brig 'Waterwitch;' and at this same hearing appeared also the commander of the said English brig of war, to receive this present declaration; and the said Almeida made the following declaration: that there was transmitted to him, from the island of St. Thomas, by a merchant, Jozé de Castro Roxa Mattos, in the American brig '*Taigress*,' and by the captain of the same, a Nagó negro lad, named Gil, whom the said Coutto had to send to English America to learn the business of a cook, as by the document No. 1 in public form will appear, in order for this one to go in place of another of the same size and qualities, for the reason that the said Gil being already domesticated in St. Thomas, and not merely as being acquainted with the country, would not submit himself to certain commands which the said Castro would necessarily have to impose upon him; for this reason, that the said Castro ordered the said exchange to be made, the said declarant having ordered, in the place of the said Gil, the said Imé, a negro lad of the same size, and a domestic of this declarant, as appears by document No. 2, which went from hence to that island in ordered to be delivered to said Castro; and in respect to the declaration of the said Imé, the black, that he had been carried by force on board the '*Taigress*,' and therefore stolen, it is a clear want of truth; for on the occasion when this declarant ordered him to leave other work to accompany a seaman of the brig '*Taigress*,' who came to receive from this declarant letters of correspondence for that island and Principe; and this declarant caused the said black, Imé, to perceive that, notwithstanding he could not speak the language of the country, he was going to the country (or place) of this declarant; and he, accompanying the said mariner to the shore, went without being accompanied by any guard, and he was not taken, because he was a domestic in the service of the house of this declarant, and for that reason need not be distrustful.

" At the execution of this act, this declarant produced the Nagó negro lad Gil, who is in his possession, to the English commanders, who recoguized him to be the same whom they had already seen on board of the said American brig '*Taigress*,' when she sailed from the port of Ambrise for this city of Benguela; and when they registered (or entered) the said brig, the captain confirmed to them all which appears in the declaration."*

[Signed by the Judge, Notary, Lieutenant Wilson, and four other witnesses.]

Extract of a letter, dated August 6, 1840, from de Castro Roza e Mattos, at St. Thomas, to Almeida, the preceding declarant, at Benguela:—

" Now by this American captain, my friend, you will receive by his hands a Nagó negro lad, concerning whom I have come to the conclusion, that as a friend you will not fail to exchange him with me, and to send me one of the same size, that the said captain may take with his ship's company to America, in order that he may learn to cook. You will receive by the hands of the same captain four half doblas (doubloons) for you to buy, on my account, some Mapendin and yellow wax. In case you shall wish to transmit anything in tobacco, on your own account, you can deliver it to the same captain,

* There is a marginal note against this paragraph, by the notary, as follows :—

" This declaration is without effect, in so far as it says, they recognised the negro lad of the Nagó nation; and they did not register the vessel, nor ever saw the said negro lad. They disclaimed this in due time.

" SALOMAO, Notary."

as he is a safe carrier. I could not send you the horses for want of room, the captain having told me that he could not take them, as the vessel was very full loaded."

[The correctness of this extract is verified by the notary and judge.]

Extract of a letter, dated 3rd of October, from Almeida to Mattos, at St. Thomas:—

"I have made the exchange, as you directed me, of the Nagó negro lad, and in his place there goes another from hence for the purpose you state; and with this I shall be very glad if you are satisfied, which will be very satisfactory to me. By the American captain, our friend, I received the four Spanish ounces (doubloons), which according to the rate of 16 mil reis (the current rate here), amounting to 64 mil reis, I have laid out for you as the invoice herewith, the articles remitted amounting to 124 mil 850 reis, leaving you my debtor to the amount of 60 mil 850 reis, which I have passed to your debit; and I hope you will approve of whatever I have done according to your orders, and not regarding the prices being high, so much as wishing rather to pay well and send you a good article, than to give 6 mil reis for one good for nothing."

[Verified, &c., as the preceding extract.]

The next piece of evidence was delivered from the shipping articles of the "*Tigris*," which had been altered. By inspection, it was discovered that Hemé was entered under the name of "*Tom*," of "*Benguela*." Afterwards, "*St. Thomas*" was written over the word "Benguela." Thus the articles were made to conform to the false statement made to Lieutenant Matson by the officers and crew of the "*Tigris*."

Mr. Choate argued that there was not a tittle of legal evidence adduced tending to show that Hemé ever had been a slave, or that Captain Frye ever intended to make a slave of him, and therefore no ground existed for binding the defendants over.

Mr. Mills, for the prosecution, maintained that the evidence proved that Captain Frye intended to carry Hemé to St. Thomas, in exchange for the boy Gil, which was clearly a violation of the law. He said he should only ask to have the captain and mate, Burnham, bound over; Williams, Brown, and Marsfield, he intended to hold as witnesses, and the remainder of the crew he moved to be discharged, and they were discharged.

The court then ordered Captain Frye and Mr. Burnham to give bonds in the sum of 2,000 dollars for their appearance at the May term of the Circuit Court.

The depositions, we believe, cannot be used as evidence on the criminal accusation, but on the civil suit for forfeiture they will be admissible. The boy Hemé was placed in the custody of the United States' Marshal.

Fourth Enclosure in No. 294.

The "Tigris" *Affair.—Habeas Corpus.*

At twelve o'clock yesterday, Chief Justice Shaw, and Judges Putnam and Dewey, met in the Supreme Court lobby, to hear the counsel on the writ of *habeas corpus* in behalf of Midshipman Jackson, prize-master of the Salem brig "*Tigris*," and held to bail on civil suits for trespass and false imprisonment by four of the crew of the "*Tigris*," and also on similar suits brought by Captain Frye, of the "*Tigris*," for 5,000 dollars, and Mr. Burnham, mate, for 2,000 dollars. The whole amount of bail demanded is 13,000 dollars. Counsel for Mr. Jackson, Mr. Austin, Attorney-General, and Mr. Hillard; for the respondents to the writ of *habeas corpus*, Messrs. Ward, of Danvers, and Perkins, of Salem.

Mr. Hillard opened the argument by stating, in the first place, that Mr. Jackson, in acting under the orders of his superior officer, Lieutenant Matson, whom he was bound to obey, was not responsible, even if a trespass had been committed upon the officers and crew of the "*Tigris*," but that the British Government was responsible. Secondly, that the plaintiffs could have suf-

fered no pecuniary loss by having been brought back to Salem, as there was no authority to show that they were not fully entitled to their wages for the whole voyage. Thirdly, if they should ultimately make it appear that they could not recover wages, their loss could not possibly be a tenth part of the damages alleged, 1000 dollars a-piece, and therefore the bail demanded was excessive, and such as it was not to be supposed could be furnished by a young officer of the rank of a midshipman, whose pay is only 32*l.* sterling per annum, and who is an entire stranger in this country. And, fourthly, that Mr. Jackson is now a resident in this State, under the protection of the United States Court, as a witness, under recognizance to appear at the next Circuit Court, against Captain Frye and mate, on a criminal prosecution. Further than this, a libel had been filed against the "*Tigris*" as a lawful prize, and a monition had issued, requiring the owners to appear at the District Court, to show cause, if any, why process on the libel should not issue; and that at the hearing on said monition, Mr. Jackson must necessarily be a witness.

Mr. Ward, in reply, said that the plaintiffs had suffered great hardships; the sailors had been seized by a boarding officer and armed force, and imprisoned on board of the "Waterwitch" ten days before they were placed under the custody of Mr. Jackson, who had still further kept them prisoners on board of their own vessel for eighty days, till their arrival at Salem, when they were permitted to go at large. They were therefore entitled to redress, beyond the mere measure of wages, which may have occurred. He said, he would admit, however, that some reduction of bail on their actions might be made. Not so, however, on the part of the officers, who had, beside imprisonment, in the nature of restraint, suffered indignity by being deposed of their lawful rank and authority on board of their own vessel: they had also lost the benefit of commercial adventures in which they had lawfully engaged on the coast. The captain had advanced 3500 dollars to traders there for their produce, which Lieutenant Matson would not allow him to wait and receive; nor even allow him to go on shore to make arrangements for the security of the property engaged, and cause it to be shipped to him in some other vessel. He had only an opportunity to leave some written directions for the captain of the "*Seamew*," who was expected to touch at Ambrise, and might have an opportunity to look after the property he had contracted for; but by the last news from Africa it appeared that the "*Seamew*" had been seized and taken into Sierra Leone by a British cruiser. True, she had been discharged; but it was not likely that she proceeded thence to Ambrise, but, in all probability, made sail for the United States. It was, therefore, perfectly clear that Captain Frye was exposed to a severe pecuniary loss, by the seizure of the "*Tigris*" and the arrest of himself. The mate, too, had an adventure to the amount of 300 dollars, on which he might reasonably calculate upon realising a great profit, but which he was not allowed to take on board.

With regard to the responsibility of Mr. Jackson, Mr. Ward maintained that the seizure was illegal, and therefore a trespass by Lieutenant Matson, and that Mr. Jackson, who acted under his orders, was liable in the same manner as a deputy sheriff who makes a seizure upon the authority of a sheriff. If Lieutenant Matson were here, the plaintiff would look to him, and not to Mr. Jackson for damages; but as it was, they were justified in holding him as the only one of the co-trespassers within the reach of civil process. If the suits prevailed against Mr. Jackson, Mr. Ward said, he had too high an opinion of the honour of the other British officers interested with him, to suppose that they would allow him to suffer the whole consequences of the seizure. He did not believe that the British Government would allow him to be a sufferer, through the wrong acts of his commander, whose orders he had obeyed. Mr. Ward reiterated that the plaintiffs were compelled by the necessity of the case to proceed against Mr. Jackson; for it was impossible for them to go to England and prosecute Lieutenant Matson.

Upon the question of protection as a witness, Mr. Ward said, he had great doubts whether Mr. Jackson came within the rule. When he was arrested, he was here voluntarily, waiting for the furtherance of his own interest in the condemnation of the "*Tigris*," at the suit of Lieutenant Matson, and that he would be entitled to a share of the prize-money; and, beyond this, he had received no writ of protection from any court as a witness, agreeably to the pro-

vision of the Revised Statutes; or even if he were a witness, he was only held on his own recognizance, and therefore it was entirely voluntary on his own part if he remained here. He might have returned to England in the British steamer on the 2nd of January if he saw fit; but he concluded it would be for his interest to remain, and await the result of the judicial proceedings in reference to the whole matter.

Chief Justice Shaw and Judge Dewey incidentally remarked, that the fact of being a witness could be proved otherwise than by a writ of protection. The protection was only an instrument to be exhibited to an officer, by a party against whom he might hold process, and the exhibition of such protection would be a sufficient protection to the officer against a suit for omitting to arrest such party. Beyond this the writ had no force; and it was competent for a witness to prove the same in bar of an arrest in various other ways. If a person should obtain a writ of protection which he was not entitled to, it would not avail him if it could be proved.

Mr. Austin, in opposition to Mr. Ward, said, that there could be no pretence for vindictive damages in the case, even if a technical trespass had been committed, and therefore the bail, if any, should only be nominal. If the "*Tigris*" had been unlawfully seized by a British cruiser, the Unitd States' Government was the proper authority to seek redress of the British Government; and such American citizens as had been injured by the conduct of Lieutenant Matson would have just claims upon the United States for indemnity. Utterly unlike the case of M'Leod, in New York, the case of the "*Tigris*" was entirely beyond the jurisdiction of the State Court. Mr. Jackson had brought with him his written orders from his superior officer, who again was to be presumed to be acting under the orders of his Government. The "*Tigris*" had been seized and sent to the United States, upon the suspicion that she had been engaged in the Slave Trade,—an inhuman traffic, which the United States had pledged its faith to endeavour to abolish, and passed solemn laws against the citizens of the United States engaging in it. Under that law (Stat. 1800) Mr. Jackson was sent to this country, as an agent, to assist the United States' Government to break up the nefarious trade; and he would have been a fool, and unworthy of his commission, and the respect of all men, if he had returned to his vessel, on the coast of Africa, or to England, and ran the risk of not arriving in the United States in time to be a witness in the Circuit Court in May next.

Mr. Austin cited a few authorities—Phillips, Dallas, and the Term Reports,—to show the extent of protection given to witnesses against arrest on civil process; and concluded by stating that if Mr. Jackson had not entered into recognizance before Judge Davis, on the criminal complaint against Captain Frye and mate, the Judge would have the power to keep him in gaol till the trial in May. He concluded by saying that the plaintiffs might proceed in their suit, and recover judgment against Mr. Jackson, without holding him to bail, without suffering any loss, for, if they recovered ever so large an amount of damages against him personally, he had no property to answer to the judgment.

Chief Justice Shaw said, if the case could be left in the same position as it then stood (that is, if Mr. Deputy Sheriff Coburn were content to take Mr. Grattan as responsible for the 13,000 dollars, for Mr. Jackson's appearance), his colleagues and himself would prefer to postpone the decision till this morning.

This suggestion was adopted, by consent of all parties; Mr. Grattan wishing to be understood as acting in his individual, and not in his official capacity.

Fifth Enclosure in No. 294.

Midshipman Jackson's Bail fixed.

In the lobby yesterday Chief Justice Shaw delivered a decision upon the *habeas corpus* case, which we reported yesterday. His Honour did not go into the international question raised by Mr. Jackson's counsel, but confined himself to the question of his protection, as a witness in the Circuit Court,

from being held to bail in a civil suit; and he was of opinion that Mr. Jackson had not brought himself within the principle of such protection, because the Court, in which he was to appear as a witness, was not now in session, nor could be for some months to come, and for other reasons. The Court, however, were of opinion, that if a trespasser at all, he was only technically so, and could not be the subject of exemplary damages, and therefore it had been decided to reduce the bail to one half of the original sum of 13,000 dollars. The bail then fixed upon is as follows:—On Captain Frye's action for 5000 dollars, the bail is reduced to 4000 dollars; on the mate's for 2000 dollars, to 700 dollars; and on the actions of the six seamen for 1000 dollars each, to 300 dollars. Making in all 6500.

Sixth Enclosure in No. 294.

Case of the "Tigris."

In the case of Mr. Jackson, we stated yesterday the opinion of a majority of the Court. We understand that in the consultation of the Court upon the subject, Mr. Justice Putnam differed from his brethren; but did not consider it necessary to make public his objections to the opinion which was delivered by the Chief Justice. As, however, he was mentioned in our report as being present when the decision was given, it is proper to state, that he was clearly of opinion that Mr. Jackson, having come here in the performance of duty, and having recognised for his appearance at the next term of the Circuit Court as a witness, was protected from arrest in this case, and ought to have been discharged. He was of opinion that the subject should be viewed in a liberal manner, and somewhat in a national point of view. Mr. Jackson had ostensibly come here upon business of the greatest importance, and to assist in the execution of our own laws. He was detained here on that business and no other. He was, in one sense, in attendance upon one of our Courts, and to suffer him to be harassed with suits of this nature was in effect to discourage the nation under whose authority he was acting, from taking the pains to send to the adjudication of our own Courts vessels which might be detected in the Slave Trade. There was, in his opinion, a question of national interest here involved, of far more consequence than any private injuries which could be redressed by these proceedings. The object of the United States Court would be to ascertain the truth and justice of the case. The public good required that a witness who should be recognized should not be prevented from attending under such circumstances as were disclosed on the part of Mr. Jackson.

No. 295.

Mr. Consul Grattan to Viscount Palmerston.

Her Majesty's Consulate, Boston, February 1 1841.

My Lord, (*Received March* 17.)

I have the honour to enclose a report of the decision pronounced by Judge Davis in the District Court, on the 2nd instant, on the questions arising out of the filing of the libel against the American brig "*Tigris*," the previous circumstances of the case having been fully detailed in the Despatch which I addressed to your Lordship, marked "Slave Trade," of January 31st.

Your Lordship will perceive that the Judge not only required an immediate stipulation for 1000 dollars, but reserved to himself the right of hereafter insisting on a further stipulation on the part of the libellant, in case new cause should appear for damages being demanded to a larger amount.

This was in fact admitting the right of the owners of the vessel to require security for whatever damages they can prove themselves to have sustained. Now, there is no question but that they have sustained loss to a very much larger amount than 1000 dollars, let the present proceedings turn out as they may. And if it be ultimately decided that the seizure was a trespass, and that the measure will not be sustained by the United States Government, heavy

damages might be awarded to the owners. It was therefore impossible for Mr. Jackson to find sureties to meet such a contingency; the Federal Government did not come forward, or order their representative here, the United States District Attorney, to interfere, although I am informed by Mr. Fox that he adopted my suggestion, and intended to apply to the authorities at Washington, with that object. The libel was consequently discharged with costs on the 12th instant, the latest day that could be obtained from the Court for keeping the case open.

I am induced to offer to your Lordship a few of the observations which I have already addressed to Mr. Fox, in case this subject may become matter for diplomatic correspondence.

The judicial decisions here have evidently proved a coincidence on the part of the judges in the views which I have reason to believe are entertained by the United States' Government, relative to the late efforts of Her Majesty's naval officers to strike a blow at the encouragement notoriously given to the Slave Trade by American merchant ships on the coast of Africa.

The captain and mate of the "*Tigris*" were held to bail by Judge Davis in the District Court, for their appearance on a criminal charge, in the amount of 3000 dollars the first, and 1500 the second. Mr. Jackson was held to bail by the Supreme Court on a charge of trespass, which the Chief Justice (Shaw) said could be but a technical one, at the suit of the same captain for 4000 dollars, at that of the mate for 700 dollars, and at the suit of the six seamen for 300 dollars each, amounting in all to 6500 dollars.

The intention of the Chief Justice Shaw, and of Judge Dewey (Judge Putnam dissenting), was undoubtedly that Mr. Jackson should have gone to gaol. They could not have supposed he would have been able to find bail to that amount, in two sureties, on the spot. Had it not been for my previous exertions in explaining the case to some gentlemen of my acquaintance, he would not have been bailed. I need not dwell on Mr. Mills's (the District Attorney) refusal to claim the protection of the Court for his witness Mr. Jackson, nor the Court's refusal of it, in spite of Mr. Austin's (the Attorney-General) unanswerable reasoning.

Judge Davis, in the District Court, in nominally admitting the libel to be filed, coupled it with a condition meant beyond doubt to nullify his consent. He knew it to be impossible for Mr. Jackson to find sureties, not merely for 1000 dollars for costs and towards damages, but for an indefinite amount of contingent damages which there was no attempt to calculate.

A stipulation for damages at all was not necessary for the ends of justice. The damage, if any, to the owners of the ship was done already. The filing of the libel and the demand of their personal security for the value of the cargo (all that was required) to await the question of guilt or innocence, would not have added one farthing to the damage done. They might, had the libel been filed, have sold their cargo, as they may do now that it is dismissed; and every means of redress which they have now they would have had if the libel had been filed. They now stand in this position: if the captain and mate are found guilty, the ship and cargo will be proved to have deserved forfeiture, yet they will have escaped by an arbitrary exaction of the Admiralty Judge. If the men are acquitted (which I think very probable by a jury), there will be no opportunity of trying before the Supreme Court the important question involved in the seizure and prosecution of the ship and cargo.

Again, Mr. Matson and the officers and crew of the "Waterwitch" are, in the person of Mr. Jackson, liable to the heavy damages claimed by the master and crew of the "*Tigris*;" but no chance is given them to establish their own claim against the "*Tigris*," the decision of which, should it have been in their favour, would have defeated the adverse claim set up against them for trespass.

The dismissal of the libel involves the payment of the respondents' costs by Mr. Jackson, the representative of Mr. Matson. He is also exposed to the attack of the owners for any amount of damages they may claim. Perhaps they will prefer making their demand for indemnity to the United States' Government, forcing the latter to apply to Her Majesty's Government for reimbursement.

The only foundation for complaint against Mr. Matson, on the part of the owners of the "*Tigris*," or of the United States' Government, is, that he

avowedly obstructed the trade of an American merchant, and that this country has refused to British ships the right of search. It may be remarked that it has been by the protection of the British cruisers alone that these very owners have amassed a large fortune in that trade, no ships of war of the United States being on the coast of Africa to prevent the outrages of pirates who, but for Her Majesty's vessels, would surely have infested those seas. And it appears to me that a distinct difference exists between the right of search on vague suspicion, and the right of seizure on positive information. The latter was the case with respect to the "*Tigris*." But the ship was not seized as a prize to the captors, and sent to a British Possession. She was seized, not searched, by virtue of the authority which the laws of the United States give to every one to seize a felon on land or a pirate at sea; sent home by an unarmed crew to her own port, and instantly on her arrival delivered up to justice by the British officer who had her in charge.

I do not think a shadow of complaint can be laid against Mr. Matson or Mr. Jackson, if the Act of Congress of May 15, 1820, was ever meant to be carried into execution. The Slave Trade is not piratical by the common law of nations; but it has been made so by the United States and by England respectively, and if they cannot reciprocally act for its repression, with all due delicacy to national feelings, their enactments are so far a dead letter.

The authorities which I have found particularly applicable to the present case are, Kent's Commentaries, vol. I., pp. 25, 185, 187, 191, to p. 200; and the Acts of Congress relating to Piracy and the Slave Trade, of 1800 and 1818, of March 3, 1819, and especially that of May 15, 1820.

There is every reason to apprehend that the actions brought against Mr. Jackson will be decided against him. And I have not thought it advisable to urge his prosecution of the sailor by whom he was so treacherously and desperately wounded on the voyage.

Mr. Choate, a leading member of the Boston bar, employed by the owners of the vessel, stated in one of the arguments before Judge Davis, that the crew of the "*Tigris*" would have been justified in putting the officer and men of the "Waterwitch" to death on the homeward voyage. I know not whether this was stated in anticipation of proceedings being taken against the sailor for the assault on Mr. Jackson, but it might be a very palatable doctrine to an American jury trying the case.

Enclosure in No. 295.

Extract from the "Daily Advertiser and Patriot."

District Court of the United States, Wednesday, February 3.

IMPORTANT DECISION.—CASE OF THE "TIGRIS."

IN the United States' District Court yesterday Judge Davis delivered his opinion in the case of the "*Tigris*" at length. It was the case of a libel filed on the 15th day of January last, by H. J. Matson, of the Kingdom of Great Britain and Ireland, Lieutenant in the Navy of Her Britannic Majesty, and Commander of Her Britannic Majesty's brig "Waterwitch," prosecuting as well for the United States as for himself against the brig "*Tigris*," of Salem, in this district, and the goods and effects on board said vessel, for a forfeiture of the said vessel and her lading, for certain alleged violations, on the coast of Africa, on the 7th day of October last, of several statutes of the United States for the suppression of the Slave Trade; the "*Tigris*" being then under the command of Nathaniel Frye, of Salem.

On notice to show cause why Admiralty process should not issue as prayed for by the libellant, Robert Brookhouse and William Hunt, of Salem, asserted owners of said brig and cargo, offered the following objections against the issuing of a warrant of arrest on the aforesaid libel.

1. Because the libellant had seized and brought said vessel and cargo into this district by force and unlawful violence, and the same being so seized and brought in by him was not now liable to this process in behalf of said Matson.

2. Because no offence had been committed on board of said vessel, such as is charged in said libel, and that of this they were ready to make proof.

3. That said libellant was an alien, and is now in a foreign country, and had not appeared in this Court by himself, and no one exhibiting or offering any power or authority to act on his behalf has appeared for him, to sue and prosecute the above libel.

4. That an alien cannot sustain a libel *qui tam*, in the manner of this case.

These points were argued with great ability at a former day by Attorney-General Austin and George S. Hillard for the British seizors, and by Choate and Perkins, of Salem, for the owners.

Judge Davis then expressed a wish that the question whether the seizors should enter stipulations to respond in damages in case they did not succeed, should be argued, which was accordingly done by the same counsel on Friday last.

The learned judge wished for time for consideration, and yesterday delivered his opinion.

In regard to the second objection, he said it did not present a pertinent subject of inquiry in this stage of the suit, but must be taken, at present, merely in way of protest.

In reference to the third objection, considering the tenor of Lieutenant Matson's letter of October 19, written off Angola, and sent with the "*Tigris*," there appeared reason to infer, that his proceedings in detaining and sending this vessel to the United States, and to the port to which she belonged, was merely for the purpose of having her delivered with her cargo to the proper authorities here, with the persons on board supposed to have offended against the laws of the United States respecting the Slave Trade; and not with intent to prosecute in the manner of this libel, if no suit of that description should be instituted by or in behalf of the United States. It seemed reasonable, therefore, to require evidence of some authority from that officer for the commencement and prosecution in this case. In that respect the affidavits of Mr. Jackson, the officer who came in charge of the "*Tigris*," in regard to Lieutenant Matson's instructions, were so far satisfactory. That the process prayed for would not be denied on that ground, nor would it be denied on the mere fact that the libellant is an alien.

It remained, then, to consider the first objection, which presented a question of no ordinary interest, that had been fully and ably urged and argued by the learned counsel for the respective parties.

This vessel, admitted to be a vessel of the United States, examined and sent to Salem, by Lieutenant Matson, for an alleged breach of the laws of the United States in reference to the Slave Trade, arrived at Salem on the 30th of December last, in charge of a midshipman of the "Waterwitch," Mr. Jackson, with nine men; the original officers and crew of the "*Tigris*" remaining on board. On the 1st of January six of the men from the "Waterwitch" left the country for England, in the steamer "Caledonia;" one absconded. On the day of the arrival of the "*Tigris*" she was delivered up, as is alleged, to the district attorney. Proceedings were had on the complaint of that officer against Captain Frye, his mate, and crew, and those officers and two of the crew were held to recognize for their appearance at the next Circuit Court for the offence alleged to have been committed by them; and the African boy, found on board the "*Tigris*" on the coast of Africa, and sent in that vessel to Salem, was committed to the care of the Marshal of this district. The owners have, from that time, had possession of the property, but held, as is averred, in their behalf, under embarrassing circumstances, especially in reference to the cargo, from constant expectations of a threatened suit for forfeiture.

In the disposal of the case in its present stage, he was to consider, first, whether Admiralty process shall be ordered; and, secondly, if so, on what terms? It was contended, that the seizure of the "*Tigris*" by the libellants was unlawful, a violation of immunity from any such examination and detention by the "Waterwitch," or any other cruiser of another nation, and in the exercise of a right of visitation and search, which is strictly a belligerent right, and not allowable in time of peace. This alleged unlawful act on the part of Lieutenant Matson, it had been alleged, precluded all proceedings on his part and in his behalf against the property thus seized and sent to the United States.

In support of these positions, several authorities had been produced from

judicial decisions at common law and in Admiralty in the Courts of Great Britain, as well as in the United States.

The law respecting the right of search was clear and decided; that it was strictly a belligerent right, arising in that crisis from necessity and for self-preservation, and not allowable in time of peace, unless against pirates or other offenders against the laws of nations. Commercial nations, and none more than the United States, had been uniformly tenacious of this doctrine, and repeated, but unsuccessful, essays had been made between this country and Great Britain to arrange a mutual modified right of search for the suppression of the Slave Trade—a cruel and detestable traffic, the guilt and enormity of which awakened humanity has aroused its energies to put down. By our law, a certain description of this trade was declared piracy in 1820. So, also, was it declared by Great Britain in 1824, This declared character of the Trade, however, did not render it piracy by the law of nations. It was a statute provision, only affecting the citizens of the respective nations.

From the regretted failure of conventional agreement with Great Britain relative to a regulated search, there was reason to apprehend that vessels of the United States have not unfrequently become participators in that inhuman traffic. This, indeed, was distinctly announced, and with just expressions of reprobation, in the Message of the President of the United States at the opening of the present session of Congress. The evidences of guilt in this particular have been so apparent in some instances, that vessels of the United States, bearing the American flag, have been visited, examined, and detained by British cruisers on the African coast, and sent to the United States for trial and adjudication. None, however, of this description have been sent to this district but in the present instance.

The case of the "*Catherine*," recently decided in New York by Mr. Justice Thompson, was of that description. That vessel was the property of a citizen of the United States, and by the righteous judgment of the Court was decreed forfeit, though captured and sent in by a British cruiser. Vessels of the United States in that predicament were, therefore, considered as liable to process and condemnation at the suit of the United States. So, also, it was as to proceedings, at their suit, *in personam*, against the offending individuals in command of such vessels, or employed in them, in that prohibited trade.

In the present instance the United States proceeded by complaint against the alleged offenders brought to Salem in this vessel, taking humane and suitable care of the African boy found on board; but the officers of the Government, doubtless after due and sufficient examination and deliberate consideration, have instituted no proceedings against the vessel and cargo, and it remained to be determined whether the commander of the "Waterwitch" can sustain thisl ibel against the "*Tigris*" and cargo, or whether he is incapacitated by a wrongful exercise of the right of search.

The learned judge said, that the case involved questions of peculiar difficulty when considered in all its bearings, and was of such importance, that he was not prepared to direct an immediate dismissal of the libel, especially as it might be questionable whether such a disposal of the case might not preclude a remedy by appeal, if such a course be erroneous. He should, therefore, order the usual Admiralty process; but in view of all the circumstances of the case, the order would be on condition that stipulation be previously given to the libellant, or in his behalf, with competent surety or sureties, to abide the final decree and such interlocutory orders as might be made in the premises.

This disposition of the case appeared to him conformable to the character of the transaction, and the position of the libellant. It might be denominated a *tentative* suit. Security for costs and damages appears to be a reasonable requisite preliminary to further proceedings; and public considerations, which a Court of Admiralty should dutifully regard, have also an influence in deciding in this direction. Lieutenant Matson's proceedings have been carried on with all the alleviations and mitigations which were compatible with a coercive custody of the property. But the practice is a hazardous one, liable to hardship and abuse; and commanders should be impressed with a sense of their liabilities, in adopting a course with the navigators of other nations, in which they act on their own responsibility, and avowedly, as in this instance, "without orders or instructions to interfere with vessels belonging to citizens of the United States, whatever their employment may be."

As to the amount in which stipulation should be required, the learned judge said, that, not considering it a case for award of vindictive damages, if the libellant should fail in his suit, the sum of 1000 dollars would, in his opinion, be sufficient; but the terms of the stipulation would admit of enlargement of the sum, if in the progress of the trial it should appear to be requisite.

An early day would be assigned for the hearing, with a reserve of further discussion and consideration of all the objections which had been offered and urged against the issue of Admiralty process.

He added, that, in the discussion on the present position of this case, the whole subject to which it related was of such interest, that many impressive considerations inevitably came into view, in regard to which it might not be proper to enlarge in this stage of the suit. The present position of the lawful commerce of our fellow-citizens with Africa was attended with peculiar difficulties. The culpable incidents occasionally accompanying the trade on that coast, were fully expressed in the last paragraphs of the President's Message already mentioned. The course commenced by British cruisers with supposed offenders against the laws of their respective countries, without orders or instructions from their Government, was of an irritating and questionable character. Some legislative expression on the subject appeared to be of pressing necessity, if an engagement by Treaty be considered as hopeless. Such a discouraging view, in reference to negotiations, it would be painful to be compelled to indulge. The language of Mr. Clay, in his official letter as Secretary of State, to Mr. Addington, April 6, 1825, was doubtless from the heart, sincere as it was impressive:—"It is the anxious hope of the President, that the Government of His Britannic Majesty should see, in all that has occurred, nothing towards it unfriendly on the part of that of the United States, and nothing that ought to slacken their separate or united exertions in the employment of all other practical modes to effectuate the great object, so dear to both, of an entire extirpation of a traffic which is condemned by reason, religion, and humanity." Where there is a will, it is said, there is a way. In regard to the object in view, the suppression of the Slave Trade, there is manifestly a will, a cordial good will, in both nations. In concurrence with their advancement in commerce and the arts, might we not hope for a consummation of an acceptable and salutary arrangement on this subject, by which they may richly enjoy "the peaceful fruits of righteousness," and be the happy instruments of diffusing the precious boon among all the nations of the earth?

No. 296.

Mr. Consul Grattan to Viscount Palmerston.

Her Majesty's Consulate, Boston, February 25, 1841.

MY LORD, (*Received March* 17.)

I HAVE the honour to transmit to your Lordship herewith copies of a letter addressed by Mr. Hillard, counsel for Mr. Jackson, to Mr. Mills, the district attorney, and of Mr. Mills's answer thereto. By the latter, your Lordship will perceive that Mr. Mills declines proceeding further in the case of the "*Tigris*," and also that he admits Mr. Jackson to have been "entitled to the *per diem* allowance," as a witness for the criminal prosecution against the master and mate of the "*Tigris*," at the time when he (Mr. Mills) declined claiming for him the protection of the Supreme Court. I have nothing further to communicate to your Lordship on this subject, beyond what was detailed in my Despatches marked Slave Trade, of January 31 and February 18, except my having received a letter from Mr. Fox, with copies of his letter of the 5th instant to Mr. Forsyth, the Secretary of State, hoping that the United States' Government might find it advisable to desire Mr. Mills to co-operate in the proceedings against the "*Tigris*," and Mr. Forsyth's reply to Mr. Fox, dated the 10th instant, wherein he states that no information on the subject had, at that time, been received at the State Department.

I have, &c.

(Signed) T. C. GRATTAN.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

First Enclosure in No. 296.

Mr. Hillard to the Hon. J. Mills.

DEAR SIR, *Court Street, February* 12, 1841.

WE have been arrested in our proceedings on behalf of Lieutenant Matson, against the brig "*Tigris*," by the necessity of stipulating for costs and damages. In the case of the "*Catherine*," which was sent into New York, the United States filed a libel for forfeiture, and the vessel has been condemned, and a petition is now before the Circuit Court from the captors, praying the Court to award to them one-half of the proceeds adjudged to the United States, and it is understood that the District Attorney is entirely willing that the petition should prevail, and will not oppose it. My purpose in now addressing you is to ascertain whether a similar arrangement cannot be made in regard to the "*Tigris*," so that a libel may be filed on behalf of the United States, which will relieve the case from all difficulty and embarrassment on the ground of security for costs and damages, with an understanding that in case the vessel and cargo should be condemned, the British captors may be allowed to come in and petition for one-half of the value.

With much respect, &c.

The Hon. J. Mills,
&c. &c. &c.

(Signed) GEO. S. HILLARD.

Second Enclosure in No. 296.

The Hon. J. Mills to Mr. Hillard.

United States' District Attorney's Office, Boston,
SIR, *February* 23, 1841.

IN answer to your inquiry respecting the brig "*Tigris*," I have to state, that I do not think it expedient to file a libel in behalf of the United States against the brig and cargo, and that I shall not do it unless I am so instructed by the Department at Washington.

Under the peculiar circumstances of the case, I think that Mr. Jackson will be entitled to the usual *per diem* allowance of a witness in the case of the United States *versus* Frye *et alios*, from the time he was recognized till he is discharged as a witness in May next.

I am, &c.

(Signed) JOHN MILLS,
United States' Attorney.

G. S. Hillard, Esq.,
&c. &c. &c.

No. 297.

Mr. Consul Grattan to Viscount Palmerston.

Her Majesty's Consulate, Boston, March 16, 1841.
MY LORD, (*Received April* 1.)

I HAVE the honour to inform your Lordship that Mr. Fox communicated to me a few days since at Washington, the copy of a Despatch addressed by Lord Leveson to me, by your Lordship's orders, on the subject of the "*Tigris*," instructing me to give up all proceedings against that vessel. The original Despatch has not reached me, nor is it to be found at New York, either at the British Consulate, or at the office of the post-office agent.

My Despatches to your Lordship, subsequent to that of December 31, 1840, will have informed you that I was no party in the proceedings instituted against the "*Tigris*," my only interference in the case being for the protection of Midshipman Jackson, and for enabling him to do what appeared advisable in justice to the officers and crew of the "Waterwitch."

Mr. Jackson remains here, awaiting the result of the various actions to which

he has been made a party, being without instructions of any kind from the Admiralty or the ship's agent.

I have, &c.

(Signed) T. C. GRATTAN.

The Right Hon. Viscount Palmerston, G.C.B.,
&c. &c. &c.

No. 298.

Viscount Palmerston to British Consuls.

Foreign Office, April 15, 1841.

Circular, sending Treaty with the Argentine Confederation.

(See No. 1.)

No. 299.

Mr. Consul Buchanan to Viscount Palmerston.

Her Majesty's Consulate, New York, March 24, 1841.

(Extract.) (*Received April* 17.)

THE schooner "*Butterfly*" has been finally condemned. A Spaniard, Mr. Montero, has filed his libel, and claimed one-third the cargo, and the claim has been argued three days; the result I shall communicate as soon as the Court deliver their opinion. The schooner "*Catherine*," which was condemned, was this day sold by the Marshal of the United States, and was bought by Peter Harmony and Co., a Spanish house here, the known agents for the slave-dealers. From the clamour raised as to the right of search, (in consequence of the vessel sent into Boston by one of Her Majesty's cruisers,) I have endeavoured to conduct the condemnation of these vessels so as to exhibit the course pursued as proceeding from courtesy to the United States, leaving the vindication of their flag to their own courts, so that my proceedings have escaped the abuse of the press; while I trust I have faithfully done my duty, my most anxious desire is that my course may meet your Lordship's approbation.

I have, &c.

(Signed) JAMES BUCHANAN.

The Right Hon. Viscount Palmerston, G.C.B.,
&c. &c. &c.

No. 300.

Mr. Consul Grattan to Viscount Palmerston.

Her Majesty's Consulate, Boston, March 27, 1841.

MY LORD, (*Received April* 17.)

THE Despatch from Lord Leveson, dated February 8, alluded to in mine addressed to your Lordship of the 17th instant, has since then reached me. Having been addressed merely to Boston, it was sent to that town in England; and the word America being there put on the cover, it arrived here by the steam-packet "Caledonia" on the 20th instant.

I have now to inform your Lordship that the actions brought against Midshipman Jackson, by the six seamen of the "*Tigris*," were called at the Court of Common Pleas at Salem on the 16th instant. Petitions were then put in on the part of Mr. Jackson, for the removal of the actions to the Circuit Court of the United States, to be tried at the next term, which commences May 15, in conformity with the Act of Congress of 1789, cap. 20, which secures to aliens, when sued by citizens of the United States, the right to have the process against them

removed, where the matter in dispute exceeds the sum of 500 dollars. The damages on the present writs were laid at 1000 dollars each.

It was moved by the counsel for the plaintiffs (with the view of defeating this application) to amend the *ad damnum*, by reducing the damages claimed in each case to 400 dollars. After the question had been argued at some length, Judge Warren took three days to consider it; and on the 19th instant he pronounced his decision in favour of Mr. Jackson's petition, ordering the removal of the actions to the Circuit Court, on the defendant's entering into the bonds required by the statute.

A great point towards giving the chance of a fair trial is thus gained. Had the actions been tried by a Salem jury there would have been little doubt that the result would have been unfavourable to Mr. Jackson. The Judge before whom the actions will now be tried, Mr. Justice Story, is a most upright and liberal man, of independent mind and high authority in this country. His recent decision on behalf of the Supreme Court of the United States, in the case of the "*Amistad*" negroes, is a guarantee of his wish to discourage the African Slave Trade and its abettors, whatever form it may take. So strong is the general impression to this effect, that I shall not be surprised if the actions against Mr. Jackson are altogether abandoned. He must, however, be prepared to meet them should they be persevered in; and I hope to receive from your Lordship, before the day of trial, instructions as to the means of obviating further inconvenience to Mr. Jackson should damages be awarded to the plaintiffs.

He has not received, since his arrival here, any communication whatever from the Admiralty, the commander of the "Waterwitch," the ship's agent, or his own private agent. I have in consequence become responsible for his hotel expenses, as well as for those of the law proceedings against him, and I am not yet informed if the bills he drew in my favour are paid; but even if they have been paid they would be insufficient to cover the amount of my advances and liabilities.

I cannot avoid expressing to your Lordship my great regret that the District Attorney of this State should have declined to follow up his prosecution of the master and mate of the "*Tigris*" by proceedings against the ship and cargo. From many recent indications, as well as from the obvious nature of the case, I have no doubt that on a trial before Judge Story, in the United States' District Court, the probabilities were that both ship and cargo would have been condemned, and that public opinion in this country might have been so prepared for such a result as to have not only borne it, but approved of it. I am ignorant of the general feeling of Her Majesty's Government on the important question of which this case of the "*Tigris*" forms a branch. My predecessor in this consulate left me no printed papers nor copies of correspondence on the subject, nor have I received any since my arrival here. Apprehending, however, from the tenor of Lord Leveson's Despatch, that Her Majesty's naval officers on the coast of Africa may be prohibited from taking measures similar to those pursued by Lieutenant Matson in regard to the "*Tigris*," I trust I may, without presumption, be allowed to suggest to your Lordship, that if Her Majesty's Government ever countenanced or approved of such measures, the existing state of feeling in this country would be rather favourable than contrary to their continuance now.

It is true that the late Administration at Washington strongly reprobated Lieutenant Matson's conduct and approved of that of the District Attorney here. The majority of the Judges also showed a disposition to thwart and embarrass Mr. Jackson. The public press, urged by the owners and lawyers of the "*Tigris*," was loud in attacks on the British Government and its naval officers. But on the other hand it is to be observed, that Mr. Forsyth's tone on this subject (diametrically opposite to the principles of the President's late speech to Congress) was assuredly adopted for the purpose of leaving another subject of embarrassment to the present Administration, in their discussion of grievances with Her Majesty's Government; several of the Judges, the whole of the Supreme Court, with one exception, and Judge Story, Judge Putnam, and Judge Warren in this district, have strongly marked their feeling of sympathy with the opponents of the Slave Trade in every shape; and there has certainly been a reaction in the public mind, arising from the scandalous proceedings against Mr. Jackson, and the spirit in which they are carried on.

The sacrifices of England in maintaining her cruisers off the coast of Africa are beginning to be understood, and the unworthy motives ascribed to her

policy to be disbelieved. The fact of the United States' ships of war being so lately forced to abandon their stations on account of sickness, while the British cruisers maintain their post in spite of all sufferings, thus protecting the lawful trade of both countries, has excited much attention. The result of the "*Amistad*" question has had great effect. In short, my Lord, everything at the present moment tends to prepare the mass of the American people (and the Administration could not, in all probability, long hang back) to hail with approval measures on the part of Her Majesty's Government to induce that of the United States to co-operate in carrying out their own enactments against the Slave Trade. One vessel, in circumstances analogous to those of the "*Tigris*," seized, prosecuted, and condemned, would have more effect on the question in this country than all the reasoning that might be brought to bear on it for years; while the insertion from time to time in the newspapers of such articles as the two I beg leave to enclose, would, I am sure, be of considerable utility.

I have, &c.
(Signed) T. C. GRATTAN.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

First Enclosure in No. 300.

Extract from the "Daily Advertiser and Patriot" of February 20, 1841.

RIGHT OF SEARCH.

"SHE has recently seized our vessels and exercised a power involving the right of search, under the pretext of suppressing the foreign Slave Trade, which, if persevered in, will sweep our commerce from the coast of Africa, and which is incompatible with our rights as a maritime power."

The above extract from Mr. Pickens's bill of charges against Great Britain is the echo of many paragraphs which have of late appeared, seemingly to excite hostility in the minds of people against that Government, and incidentally to draw attention from the circumstances attending the seizures alluded to. Some of these cases have been tried in our Courts, and condemnation followed; another is now under judicial action, and it is fair to presume that the course adopted by the officer who commanded the vessel and sent her to the port of registry for trial was not wholly indefensible.

"The right of search," what is it? Some imagine that because a vessel displays our national flag, she is, merely by that act, to be exempted from any visit or question from any ship of war in any sea, and however employed. Such, we believe, is not the truth. The utility to commerce of having national vessels cruising either in remote seas, or in those in our vicinity, for the protection of the unarmed merchantmen against lawless violence or wreck, is universally recognised, and we are often called to bear witness to international courtesies arising from the exercise of such power; but no sooner does a case happen where inconvenience has been caused to a merchant vessel in being "brought to and overhauled" by a ship of war, than the circumstance is magnified into an atrocious infringement upon our rights and the laws of nations. The right of visiting vessels should be conceded to all national ships, else how is it to be known whether they have any authority to sail under the flag which they hoist? A pirate or a slaver may hoist any colours whatever, and nothing but a careful examination of the "register" and roll of equipage can afford proof of the nationality of the vessel or crew. The more therefore a vessel attempts by carrying sail or change of course to avoid a cruiser, the more she becomes an object of suspicion. It not unfrequently occurs that men-of-war are despatched purposely to seek for piratical vessels which have been reported in some particular quarter. We would ask whether, in such a case, they should not carry with them the right to compel all vessels they meet to heave to, in order to procure information as to the whereabout of the object of their present search, as well as to satisfy themselves that "the chase" is in the hands of lawful possessors.

In respect to the trade with Africa which Mr. Pickens seems to think an

object of hostility by the British naval officers, it has certainly become an object of suspicion, to say the least, by our own Government, and particular attention has been drawn to it by President Van Buren in his last annual message. Nevertheless, by the unpardonable neglect of his administration, that important station was left during many months of the past year without any United States' vessel of war, and it was pending that interval that the seizures complained of were enforced. Had the schooner "Grampus" not been withdrawn until some other vessel had been despatched to relieve her, the English commanders would gladly have turned these cases into the hands of our own officers, who would have borne the responsibility, and thus one source of bitter waters would have been stopped.

PAX.

Second Enclosure in No. 300.

"THE SLAVE TRADE UNDER THE AMERICAN FLAG."

THE following article we found in a London paper, avowedly taken from the "Allgemeine Zeitung," though it was doubtless written by an Englishman:—

The difficulties experienced by England in her struggle for the abolition of the Slave Trade are such, that it requires all the energy of the nation not to sink under the discouragement which it is exposed to. Lord Palmerston is at present engaged in a correspondence with the United States, and that correspondence has, on both sides, been conducted with some asperity. According to the laws of the United States, the conveyance of slaves under the American flag is an act of piracy, but the Yankees have indirectly found means to promote the Slave Trade very considerably, and to appropriate to themselves a large share in the enormous profits that accrue from it, the greater portion of the Slave Trade of Cuba being at present carried on by Americans.

The outfitting clause has now been recognised by the Treaties between Spain and England, by which clause a ship, even though it had no slaves on board, may be condemned for a slaver if fitted up for the conveyance of slaves, and such destination may be known with certainty from the appearance of the between decks, from the extent of the cooking apparatus, and from the number of water-casks on board. Since the adoption of that clause, the large slave-dealers at Havana seek to engage vessels that may not be exposed to the danger of capture before they arrive on the African coast. Now America, under the pretext that she is able to prevent the Slave Trade under her own flag, has always refused to England the mutual right of search, that is the right of the ships of war of the one nation to search the merchant vessels of the other. Ships, accordingly, sailing under the American flag, and provided with American papers, are in no danger from a British cruiser, so long as they have no slaves on board, for if they have they are delivered up by the English to the American tribunals. For these reasons, the slave-dealers of the Havana have, for three years past, been in the habit of causing quick-sailing slave-ships to be built at Baltimore, whence they proceed to Havana under American colours, with an American captain, and with American papers. At Havana the papers are examined by the American Consul, a Spanish crew is put on board, and the ship is provided with private Spanish papers; but the American captain continues in command, and with this double set of papers the vessel starts for the African coast. If on the way a British cruiser be met with, the American papers are shown, and the vessel must not be detained; but once arrived on the slave coast, the American captain takes possession of the American papers, which are cut up, and sent back to Baltimore by different conveyances, that no trace of American participation may remain. A Spanish captain then assumes the command, the human cargo is taken on board, and the ship starts on her return to Cuba. The whole risk incurred is that the vessel may be captured by a British cruiser while at anchor, but that danger is comparatively trifling. The English Commission at Sierra Leone has found in slave-ships the correspondence between the Havana merchants and their factors at Gallinas, and at other places on the African coast; the merchants write that the only reason they do not send more ships is, the

scarcity of American vessels; but that the supply increases daily, and that, therefore, the factors may rely on the early arrival of more ships.

These crimes lie chiefly at the door of the American Consuls; particularly at that of the Consul of Havana, where the notorious Trist first established the system of fraudulent American papers. This man has, indeed, been recalled, in consequence of the remonstrances of the British Embassy; but his successor, Smith, apparently lends himself quite as readily to the fraud. The English Commissioners of the mixed tribunals for the condemnation of slave-ships at Sierra Leone, Havana, Bermuda, and Rio, are unanimous in their accounts of the magnitude of the evil, and require that England should declare the Slave Trade piracy, while the British cruisers on the Slave Coast are constantly exposed to the temptation of searching and detaining vessels under the American flag, and provided with American papers. The British officers, in fact, are placed in a most trying position. If they search a *bonâ fide* vessel, the consequence is a formal complaint from Washington; and if they consent to be blinded by appearances, they may just as well give up altogether their cruising against slave-ships. A few months ago, four vessels (the "*Cassard*," "*Clara*," "*Eagle*," and "*Wyoming*") sailing under the American flag were brought by British cruisers to Sierra Leone, on account of their being fitted up for the Slave Trade, and evidently belonging to Spanish houses. The Court at Sierra Leone gave a decision first on the case of the "*Cassard*," which was liberated on the ground of her American papers. The three other vessels were thereupon sent by the captors to New York, and delivered over to the American authorities. These decided that the ships were Spanish property, and as such, not liable to American jurisdiction. The officers then carried their prizes to Bermuda; and should they not be able to obtain a decision there, they mean to take them to Havana, and bring them before the Spanish tribunals. The Attorney-General in London has since then declared the liberation of the "*Cassard*" to have been illegal, so that the captors have unnecessarily been compelled to carry their prizes from port to port, in search of a judge, by the confusion to which these American papers give rise.

Lord Palmerston has protested with great energy at Washington against this system of fraud, and has renewed his demand for a right of search; but the President's only reply has been, that he sees himself compelled to send American ships of war to the African coast, in order to protect American merchantmen from being searched by British cruisers. To a renewed application from Lord Palmerston, the President has answered, that these are not the proper means for the suppression of the Slave Trade, and that what the English ought to do is, instead of attempting to prevent the conveyance of slaves, to destroy the slave markets of Rio and Cuba. This piece of advice is mere insolent irony, for no one knows better than the President that England can destroy the slave market of Havana only by occupying the island, and that such occupation would immediately lead to a war with the United States.

The false position in which the United States have placed themselves in respect to everything nearly or remotely connected with slavery is such that, in matters of this kind, neither justice nor even decorum is to be expected from them, the President being well aware that the elections depend on slave-holders and slave-dealers. How long England will tolerate these wretched subterfuges, it is difficult to say; but the question will probably become one of a more serious discussion than that which respects the Canadian boundary, for the people of England will never allow their Government to relax in its efforts to obtain the suppression of the Slave Trade.

No. 301.

Viscount Palmerston to Mr. Consul Grattan.

SIR, *Foreign Office, April* 22, 1841.

I HAVE received your Despatch of the 27th ultimo.

In that Despatch you acknowledge the receipt of the letter which was written to you, under my directions, by Lord Leveson, on the 8th of February last, conveying to you instructions for your guidance in respect to proceedings in the

United States' Courts, consequent upon the detention of the United States' vessel "*Tigris*," by Her Majesty's brig "Waterwitch," Lieutenant Matson commander; and you express a hope that you may receive from me instructions as to the means of obviating further inconvenience to Midshipman Jackson, in case the result of those proceedings should be that damages should be awarded against him.

I have transmitted your letter to the Admiralty for any instructions which that board may think it right to give to Lieutenant Matson, or to Mr. Jackson, upon this subject; and with respect to your own conduct in this matter, I have to refer you to the instructions contained in the above-mentioned letter from Lord Leveson.

I am, &c.

T. C. Grattan, Esq. (Signed) PALMERSTON.
&c. &c. &c.

No. 302.

Viscount Palmerston to British Consuls.

Foreign Office, April 22, 1841.

Circular sending Convention with Hayti.

(See No. 2.)

No. 303.

Mr. Consul Grattan to Viscount Palmerston.

Her Majesty's Consulate, Boston, April 15, 1841.

My Lord, (*Received May* 3.)

Not having received any communication from the Foreign Office on the subject of the "*Tigris*" since I had the honour to address your Lordship on the 23rd ultimo, I have now only to report the law proceedings which have since then taken place.

As I anticipated, the parties in the six actions against Mr. Jackson have attempted to withdraw them. They gave notice that they would voluntarily become "non-suited" in each action, but coupled it with an intimation that six new actions were to be commenced in the Court of Common Pleas, damages to be laid at 300 dollars in each, so as to secure the trials before a Salem jury.

To defeat this attempt to evade a fair trial in the Superior Court, and force one before a prejudiced tribunal, Mr. Jackson's counsel argued that the original actions were *in transitu* to the Circuit Court, and could not be withdrawn until that Court was in Session. This was opposed by the plaintiff's counsel, but decided in favour of the defendant by Judge Warren. The actions, therefore, stand over till the 15th of May.

The two other actions by the master and mate, where the damages are so high as to bring them within the jurisdiction of the Supreme Court of Massachusetts, will also be removed at the proper time to the District Court of the United States; so that all the trials will take place (if persevered in) before Judge Story.

On the 13th instant, Mr. Jackson was served with a summons (but not with a writ of arrest) to appear in another action commenced against him by a seventh seaman belonging to the "*Tigris*," named Hendrickson, damages laid at 400 dollars, in the Court of Common Pleas, with the object of having it tried at Salem. Mr. Jackson must enter an appearance in this suit on Tuesday, the 27th instant.

I have, &c.,

(Signed) T. C. GRATTAN.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

No. 304.

Viscount Palmerston to British Consuls.

Foreign Office, May 8, 1841.

Circular on holding or being interested in Slave Property.

(See No. 43.)

No. 305.

Mr. Consul Buchanan to Viscount Palmerston.

Her Majesty's Consulate, New York, April 22, 1841.

My Lord, (*Received May* 17.)

I have the honour to inform your Lordship, that the two steam ships built here avowedly for the Spanish Government for Cuba, which I mentioned in my letter of the 15th August last, are now finished, and about to proceed to Havana: their speed and power is greater than has been set forth.

I had, from mere conjecture, considered these vessels were building for slave merchants in Cuba rather than for the Government; but this day a gentleman, who is very intimate with the Portuguese minister near Washington, has informed me such was the case. My opinion arose from the fact that the disbursements have been made by a Spanish officer, while, it is believed, the funds were furnished by the commercial house of Peter Harmony and Co. in this city, and intimately connected with Cuba, while another house appear as the agents. The slaver "*Catherine*" sent in here by Her Majesty's ship "Dolphin," which was condemned and sold, was purchased by the house above mentioned, and will be again in the trade. It is worthy of observation, that although so many vessels have been engaged in that trade under the American flag, yet I have not heard of a single vessel having been brought in by any of the United States' vessels.

I have, &c.,

(Signed) J. BUCHANAN.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

No. 306.

Mr. Consul Grattan to Viscount Palmerston.

Her Majesty's Consulate, Boston, April 30, 1841.

My Lord, (*Received May* 17.)

I have the honour to inform your Lordship, that a new motion in the "*Tigris*" case came on before the Supreme Judicial Court of the State of Massachusetts, on the 29th instant, at Ipswich, the result of which was that Chief Justice Shaw directed the removal to the Circuit Court of the two actions brought against Mr. Jackson by the captain and mate of the "*Tigris*," so that they may take the same course with the other six actions brought by the sailors, and which had been previously removed from the Court of Common Pleas.

In the case of the action brought by the seventh seaman, Hendrickson, mentioned in my last communication to your Lordship on this subject on the 15th instant, Mr. Jackson's counsel also moved for the "continuance" of the action till the next November term of the Supreme Court. This was opposed by the plaintiff's counsel, who pressed for an immediate trial; but Chief Justice Shaw granted the motion, so that this last action has not been allowed to come between the course of the other proceedings and a fair trial in the Circuit Court of the United States.

I have, &c.

(Signed) T. C. GRATTAN.

The Right Hon. Viscount Palmerston, G.C.B.,
&c. &c. &c.

No. 307.

Mr. Consul Sherwood to Viscount Palmerston.

British Consulate, Maine and New Hampshire,
Portland, May 14, 1841.
(*Received June* 12.)

My Lord,

I crave the honour to acknowledge the receipt of your Lordship's Despatch dated the 15th of April last, together with its enclosed printed copy of a Treaty concluded at Buenos Ayres on the 24th of May, 1839, and ratified on the 16th of May, 1840, between Her Majesty and the Argentine Confederation, for the Abolition of the Slave Trade.

I have, &c.

(Signed) JOS. T. SHERWOOD.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

No. 308.

Mr. Consul Grattan to Viscount Palmerston.

Her Majesty's Consulate, Boston, May 30, 1841.
(*Received June* 15.)

My Lord,

I have the honour to acknowledge the receipt of your Lordship's letters of April 15th, transmitting a copy of the Treaty with the Argentine Confederation; and of 22nd April, referring me to a former letter from Lord Leveson for my guidance with respect to the case of the "*Tigris*."

The intervening letter has not reached me. The only letter received by me from Lord Leveson was that of February the 8th; and as that letter merely directed me to discontinue the proceedings which your Lordship believed me to have commenced against the "*Tigris*," I am without instructions as to the course I should pursue for Mr. Jackson's protection, in case he should be made liable to damages by the verdict of a jury. The Lords of the Admiralty have authorized me to draw on the Accountant-General of the Navy for my advances for Mr. Jackson's expenses, and the costs of the law proceedings against him, but nothing further. I have, therefore, only to continue my exertions to cause the actions to be abandoned, and

I have, &c.

(Signed) T. C. GRATTAN.

The Right Hon. Viscount Palmerston, G.C.B.,
&c. &c. &c.

No. 309.

Mr. Consul Peter to Viscount Palmerston.

British Consulate, Philadelphia, May 19, 1841.
(*Received June* 22.)

My Lord,

I have to acknowledge the receipt of a copy of the Treaty concluded at Buenos Ayres on the 24th of May, 1839, between Her Majesty and the Argentine Confederation, for the Aboli tion ofthe Slave Trade.

I have, &c.

(Signed) WILLIAM PETER.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

No. 310.

Mr. Consul Buchanan to Viscount Palmerston.

Her Majesty's Consulate, New York, June 10, 1841.

MY LORD, (*Received July* 1.)

I HAVE the honour to forward for your Lordship's information a copy of the judgment of the United States' Court for this district, dismissing the suit brought by Francis Montero, requiring me to hand over the cargo of the "*Butterfly*," condemned and sold for being engaged in the Slave Trade, under the flag of the United States.

As a considerable part of the cargo has been much injured by the long detention on board the vessel, and inasmuch as the Mixed Commission at Sierra Leone, as stated in my letter of 30th December last, had declined to interfere, and inasmuch as I have expended a considerable sum on the insurance, storage, and care of the cargo, independent of the heavy law expenses which I am subject to pay, through the protracted litigation to which the parties have resorted, and inasmuch as I have not received any instructions in consequence of my letter above mentioned of last year to your Lordship, I am advised that it is my duty, as it is but just, without waiting for any directions from the Mixed Commission, (as the vessel has been condemned and sold, and from the Court declining to take cognizance of the demand of the Spanish claimants,) to sell that part of the cargo which is daily becoming less valuable, and as much of the remainder as will cover all my costs and charges, all which I beg to submit to your Lordship.

I have, &c.

(Signed) JAMES BUCHANAN.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

Enclosure in No. 310.

Decree of Judge Betts.

AT a Special Term of the District Court of the United States of America, for the Southern District of New York, held at the City Hall, in the City of New York, on Tuesday, the eighth day of June, in the year of our Lord one thousand eight hundred and forty-one,

PRESENT—*The Honourable Samuel R. Betts.*

Francis Montero *v.* Sixteen Bales of Merchandise.

The Queen of Great Britain, Claimant.

THIS cause being brought to hearing upon pleadings and proofs, and the advocates of the respective parties being fully heard thereupon, and due deliberation being had in the premises, and it appearing to the Court that the libellant is a subject of the Queen of Spain, and that the goods, wares, and merchandise, demanded by the libel, were seized and captured and taken from the possession of the libellant on the high seas, by a vessel of war and subjects of the Queen of the United Kingdom of Great Britain and Ireland, and that possession thereof thereafter continued and remained with the captors until the said property was brought by them into this port, and delivered to the British Consul here resident, so as to be subject to the cognizance of the Courts of the United States, because of being laden on board a vessel alleged to belong to the United States, and to be employed in the Slave Trade or transportation of slaves, in violation of the laws of the United States:

And it further appearing to the Court, that although the said vessel was proceeded against by the United States, and condemned to forfeiture by due process of law for the cause aforesaid, yet that the United States interposed no claim to said goods, wares, and merchandise, nor in any way controverted the validity and legality of such seizure and capture by the claimant:

And it further appearing to the Court, that the right to retain and hold the said property by means of said capture, and by virtue of treaty stipulations between the Governments of Great Britain and Spain, for the purpose of submitting the same to the adjudication of a tribunal constituted by the said powers, on the allegation of the captor, that the said property is lawful prize, and subject to condemnation as such, is asserted and claimed by the Queen of the United Kingdom of Great Britain and Ireland, intervening in this behalf in this cause, through her accredited and recognised Envoy Extraordinary and Minister Plenipotentiary to the United States:

And it further appearing to the Court, that the vessel of war making the capture and seizure complained of, had been theretofore in no way fitted out, commissioned, or employed, in violation of the neutrality of the United States:

Whereupon, in view of the premises, it being considered by the Court, that whether or no the libellant be shown, by competent and satisfactory proof, to be the *bonâ fide* owner of the said property, or entitled at the time the same was seized and captured to its exclusive possession, yet that he was not divested of the possession thereof in such manner as to be entitled to the interposition of this Court to reclaim it from the captors and restore it to him, the libellant:

It is thereupon ordered, adjudged, and decreed, that the libel of the libellant in this behalf be dismissed, with costs to be taxed.

And it is further ordered, that the said goods, wares, and merchandise, arrested in this cause, by process of this Court, and now detained by the same, be surrendered and delivered up to the Queen of England, the claimant in this cause, or to her agent duly authorized and empowered in this behalf.

(A true copy.) (Signed) CHARLES D. BETTS, *Clerk*.

No. 311.

Mr. Consul Buchanan to Viscount Palmerston.

Her Majesty's Consulate, New York, June 10, 1841.

My Lord, (*Received July* 1.)

I have the honour to inform your Lordship, that since the condemnation and sale of the slaver "*Catherine*," an appeal has been lodged, with a view to enable the owners, who are Spanish residents in Cuba, to bring an action against me, as Consul having possession of the cargo, but I should hope the decision in the case of the cargo of the "*Butterfly*" would stop further proceedings, and the more so, as the criminality of the "*Catherine*" was much more glaring, and so proved on the second hearing, in having found 150 pairs of iron manacles on board among the cargo. I have taken the necessary steps to resist the suit, and have little doubt of defeating, should the parties persevere; and I beg to add, that I should feel at liberty to pursue the same course in disposing of as much of the cargo of the "*Catherine*" as would pay costs and charges, upon the same principle as in my other letter of this date.

I have, &c.

(Signed) JAMES BUCHANAN.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

No. 312.

Mr. Consul Buchanan to Viscount Palmerston.

Her Majesty's Consulate, New York, June 10, 1841.

My Lord, (*Received July* 1.)

I have the honour to acknowledge the receipt of your Lordship's despatches, dated April 15th and 22nd and May 8th respectively.

I have, &c.

(Signed) JAMES BUCHANAN.

The Right Hon. Viscount Palmerston, G.C.B.,
&c. &c. &c.

No. 313.

Mr. Consul Grattan to Viscount Palmerston.

Her Majesty's Consulate, Boston, June 14, 1841.

MY LORD, (*Received July* 1.)

I HAVE the honour to acknowledge the receipt of your Lordship's letters "Slave Trade," of April 22, transmitting a copy of the Convention with the Republic of Hayti, and your Lordship's despatch of May 8th, accompanying a copy of a memorial from the General Anti-Slavery Convention.

I am glad to be able to inform your Lordship, that the vexatious proceedings in the case of Midshipman Jackson may be considered as nearly, if not entirely, at an end. By promptly meeting the attempts of the lawyers employed against him to embarrass the regular course of the various suits, and by rejecting all their offers of adjustment, they have been induced to abandon seven out of eight of the actions of trespass. One only, in the case of one of the sailors of the "*Tigris*," in which the damages are laid at 500 dollars, is still pending, and it now stands over till the month of September next, before which time I have every reason to hope it will be withdrawn. The main object, at present, of the owners of the "*Tigris*," at whose instigations these actions were brought, is to have the facts of the case of trespass (supposing the seizure of the vessel and the subsequent proceedings to be such) established by proof, or admitted by compromise, so as to found a demand for the loss sustained in the interruption of the voyage, &c., against the United States' Government, with a view to the amount being ultimately claimed from the Government of Her Majesty. Several insidious attempts to obtain these admissions, under pretext of arguing points of international law, or laying down rules for the conduct of subaltern officers, have been made by the plaintiffs' lawyers. But on every reference to me, by the counsel employed by Mr. Jackson, to sanction any arrangement that could in the least degree compromise Her Majesty's Government, or the Admiralty in particular, I have invariably refused. I prefer leaving the parties to establish their case in a court of law, if they can do so; believing that they will not, under all the circumstances, risk the public sifting of motives and conduct which would result from a trial before a jury in the District Court of the United States, presided over by so honourable and independent a man as Judge Storey.

I have, &c.

(Signed) T. C. GRATTAN.

The Right Hon. Viscount Palmerston, G.C.B.,
&c. &c. &c.

No. 314.

Viscount Palmerston to Mr. Consul Grattan.

SIR, *Foreign Office, July* 14, 1841.

I HAVE received your despatch, Slave Trade, of the 14th ultimo, reporting the course which you had pursued about the actions brought in the United States' Courts of Law against Midshipman Jackson, on account of the detention of the American vessel "*Tigris*." And I have to acquaint you that Her Majesty's Government approves thereof.

I have, &c.

T. C. Grattan, Esq., (Signed) PALMERSTON.
&c. &c.

No. 315.

Mr. Consul Sherwood to Mr. Bidwell.

British Consulate, Maine and New Hampshire,
Portland, June 29, 1841.

SIR, (*Received July* 31.)

ON the 5th current, I had the honour to receive from your department the Despatches dated April 22, 1841, enclosing a copy of a Convention with the Republic of Hayti, concluded at Port au Prince on the 23rd of December, 1839, between his late Majesty and the King of the French, and May 8, 1841, covering a copy of a Memorial to the Right Honourable my Lord Palmerston, from the General Anti-Slavery Convention, held in London on the 20th of June, 1840, on the subject of slavery, in which property I beg leave to assure his Lordship that I am not interested either as a holder, employer, or in any other way.

I have, &c.

(Signed) JOS. T. SHERWOOD.

John Bidwell, Esq.,
&c. &c. &c.

No. 316.

Mr. Consul Molyneux to Viscount Palmerston.

British Consulate, Savannah, July 1, 1841.

MY LORD, (*Received August* 10.)

I HAVE the honour to acknowledge the receipt of your Lordship's Despatch of the 15th of April, transmitting a copy of a Treaty concluded with the Argentine Confederation for the abolition of the Slave Trade.

I am, &c.,

(Signed) E. MOLYNEUX.

The Right Hon. Viscount Palmerston, G.C.B.,
&c. &c &c.

No. 317.

Mr. Consul Molyneux to Viscount Palmerston.

British Consulate, Savannah, July 3, 1841.

MY LORD, (*Received August* 10.)

I HAVE the honour to acknowledge the receipt of your Lordship's Despatch, dated the 22nd of April, transmitting a copy of a Convention concluded with the Republic of Hayti, for the more effectual suppression of the Slave Trade.

I am, &c.,

(Signed) E. MOLYNEUX.

The Right Hon. Viscount Palmerston, G.C.B.,
&c. &c. &c.

No. 318.

Mr. Consul Molyneux to Viscount Palmerston.

British Consulate, Savannah, July 16, 1841.

MY LORD, (*Received August* 31.)

I HAVE the honour to acknowledge the receipt of your Lordship's Despatch of the 8th of May, transmitting a copy of a Memorial from the Anti-Slavery

Society, and communicating the opinion of Her Majesty's Government, that it would be unfitting in any officer holding an appointment under the Crown to be interested in slave property.

Constituted as society is in slave-holding countries, it is at all times difficult, and very often impossible, to induce white persons to act as domestic servants, and the expense of English servants I know, from many years' experience, to be enormous—those I brought out in the year 1839 having cost me that year 90*l.* each—not unfrequently, too, do they leave without giving a moment's warning—domestic service being considered here a state of great degradation. If then the occasional hiring of the servants of the country be strictly prohibited by Her Majesty's Government, a very serious inconvenience must necessarily ensue.

I am, &c.,

(Signed) E. MOLYNEUX.

The Right Hon. Viscount Palmerston, G.C.B.,
&c. &c. &c.

No. 319.

The Earl of Aberdeen to Mr. Consul Buchanan.

SIR, *Foreign Office, September* 30, 1841.

YOUR several Despatches respecting the United States' vessels "*Catherine*" and "*Butterfly*" have been referred to the Queen's Advocate.

The United States' Courts in which those vessels were condemned as American, have refused to pass sentence on the cargoes because they are Spanish property; and the question how the cargoes are to be disposed of is become embarrassing, because they were unfortunately placed in your custody, instead of having been in the first instance delivered over with the vessels themselves to the United States' authorities.

Under these circumstances, the Queen's Advocate is of opinion that you should deliver up the cargoes to the Spanish owners, after deducting all expenses, provided the owners give you a full and unequivocal discharge from all further demands on account thereof; and that, if the owners refuse this offer, you should sell the goods forthwith, and remit home in bills to Her Majesty's Treasury, any balance which may remain, to be disposed of as may hereafter be determined.

You will accordingly lose no time in taking this course; observing to the owners, that as by the 5th Article of the Treaty of 1835 with Spain, upon Slave Trade, it is declared that all traffic in slaves, on the account of Spanish subjects, under whatever flag, is illicit, the Spanish owners could not be allowed to maintain any claim or demand against the British captors or Her Majesty's Government, for damage or loss sustained by the effect of any disposition which may be made of the goods in question.

I am, &c.

J. Buchanan, Esq., (Signed) ABERDEEN.
&c. &c. &c.

No. 320.

The Earl of Aberdeen to British Consuls.

Foreign Office October 30, 1841.

Circular sending Papers presented to Parliament.

(See No. 10.)

No. 321.

Mr. Consul Buchanan to the Earl of Aberdeen.

Her Majesty's Consulate, New York, October 28, 1841.
(Extract.) *(Received November* 22.)

I HAVE the honour to acknowledge your Lordship's letter of the 30th ultimo, as to several of my Despatches respecting the United States' vessels "*Catharine*" and "*Butterfly*" having been referred to the Queen's Advocate, and that as the United States' Courts, in which the vessels had been condemned, had refused to pass sentence on the cargoes as Spanish property, whereby it is become embarrassing, because they were unfortunately placed in my custody, instead of having been in the first instance delivered over with the vessels to the United States' authorities; and that under such circumstances the Queen's Advocate is of opinion that I should deliver up the cargoes to the Spanish owners, after deducting expenses, provided the owners give a full and unqualified discharge, otherwise I should sell the goods, and remit any balance to Her Majesty's treasury.

In reply I beg to call your Lordship's attention to my letter of March 28th, 1840, and the 31st of same month, accompanied by Mr. Butler, the United States' Attorney-General's note, which I humbly hope will remove the charge that by my course I have occasioned any embarrassment, as I promptly waited upon Mr. Butler, and offered to place the vessels and cargoes at his entire disposal, and alone in all steps I took acted under his orders.

I now beg to state that, under the sanction of your Lordship's letter, I shall feel myself at liberty to act in accordance with such your Lordship's instructions, and from having throughout acted in accordance with the instructions of Mr. Butler, I submitted your Lordship's directions to that gentleman; he stated the appeal against the decision respecting the condemnation of the "*Catharine*," under which that vessel was sold for being engaged in the Slave Trade, was a mere scheme to keep alive the claim as to the cargo, and, to use his own words, so unrighteous a cause should not be compromised, and that he would press the cause forward.

I have, however, directed my solicitor, Mr. Edwards, to sound the solicitors for the claimants as to the course of adjustment authorised by your Lordship, and hope that the course I shall pursue may meet your Lordship's approbation, as the matter of these vessels has proved to me truly embarrassing, and hitherto I have kept clear of committing Her Majesty's Government or myself.

No. 322.

Mr. Consul Buchanan to the Earl of Aberdeen.

Her Majesty's Consulate, New York,
(Extract.) *December* 15, 1841.

I BEG beg to lay before your Lordship a newspaper, in which is set forth the correspondence with your Lordship and Mr. Stevenson. I beg to call your Lordship's attention to the leading article of that paper.

Enclosure in No. 322.

From the New York Commercial Advertiser, Tuesday afternoon, December 14.

DIPLOMATIC CORRESPONDENCE.—We publish to-day the whole of the correspondence between Mr. Stevenson and Lords Palmerston and Aberdeen, on the subject of the right of search asserted by Great Britain for the suppression of the Slave Trade; or at least so much of it as has been communicated to Congress by the State Department.

In the earlier part of the correspondence, relating to particular cases of alleged grievance, it must be admitted that Lord Palmerston comes out triumphant; the cases, as presented by him, affording only justification, and that very ample, of the proceedings complained of. As Mr. Stevenson did not attempt any denial of the facts stated by Lord Palmerston, it is to be presumed that the vessels examined

were in reality slavers, having no right to the protection of the American flag, and that the proceedings of the British officers were altogether justifiable.

Not so, however, with the subsequent portion of the correspondence, which turns upon the question of principle. The ground here assumed by Lord Palmerston, and after him by the Earl of Aberdeen, is clearly untenable. As a matter of principle neither a British naval commander nor any other has the right to detain and examine a vessel bearing the American flag, on any pretence whatever. That flag affords, and must afford, complete protection to all who sail under it, except in time of war, or under the provisions of express Treaty. Lord Aberdeen is clearly wrong and Mr. Stevenson as clearly right in their discussion of this subject.

Nevertheless it is greatly to be regretted that the flag of our country can be and is thus prostituted for the protection of slavers; and that an arrangement cannot be entered into by the two Governments for the effectual prevention of so great an evil. If we had a score of armed cruisers on the coast of Africa, as Britain has, that would accomplish the object; but as we have not, there is undeniably reason to wish that the British cruisers might be empowered to make the needful inquisitions—of course with all proper checks, limitations, and safeguards.

We have reason to believe that a proposition for this object, capable of being made entirely unobjectionable on our part, is now or soon will be taken into consideration by the British Government, and in due season presented to the Government of the United States. With the principle of the measure we are thoroughly acquainted, and can see no fault in it; but until its details are perfected we do not feel at liberty to say more.

LONDON:
Printed by WILLIAM CLOWES and SONS, Stamford Street,
For Her Majesty's Stationery Office.

SLAVE TRADE

RETURNS (so far as the same can be made out at the Foreign Office) to Two Addresses of the Honourable The House of Commons, dated 3 May and 16 June 1842;—*for*,

RETURNS of the Number of VESSELS which have been adjudicated in the COURTS of MIXED COMMISSION at *Sierra Leone*, from the latest Date included in the Return, No. 8, of the Appendix to the Report of the Committee on the State of that Colony, printed by Order of The House in the Year 1830, down to the latest Period to which the same can be made up; stating the Time and Place of Capture, and the Time that elapsed before the Ship arrived at *Sierra Leone* for Adjudication; the Number of Slaves on Board at the Time of Capture, and the Number that were landed at *Sierra Leone*; distinguishing Males from Females, and Adults from Children; so far as the same can be made out:

Of the Number of VESSELS of every Class in Her Majesty's Service which have been employed on the WEST AFRICAN STATION in each Year since the Year 1828; specifying the Name, Class, and Force of each, together with the Numbers of their respective Crews; and stating the Number of Deaths in each Vessel in each Year, distinguishing those which have occurred in Action or by Accident—(in part continuation of Return ordered by The House to be printed, 17 February 1830):

Of the TOTAL EXPENSE of the NAVAL FORCE employed in the Suppression of the SLAVE TRADE on the Western Coast of *Africa*, in each Year since the first Establishment of the MIXED COMMISSION COURTS:

Of the several POWERS with which TREATIES have hitherto been concluded for the Suppression of the SLAVE TRADE; specifying those which have admitted the "Equipment Article," and the Date of each Ratification.

(*Mr. Stuart Wortley.*)

RETURN of SLAVE VESSELS brought before the several COURTS of MIXED COMMISSION, or before any BRITISH VICE-ADMIRALTY COURT, for Adjudication, between the 1st day of January 1840 and the 31st day of December 1841, with the Name of the capturing Ship and the Commander thereof, describing the Flag under which each Vessel was seized; distinguishing those under the late Treaty with *Spain* and under the Act 2 & 3 Vict. c. 73, the registered Tonnage of each Vessel, as well as that by *British* Admeasurement, and if Slaves on Board; stating the Number at the Time of Seizure, the Date of the Decretal Part of the Sentence, whether Forfeiture or Restitution, with the Amount of Proceeds of Sale or of Costs awarded, the Expenses of Condemnation and of breaking up of each Vessel, the Period when the Proceeds for Distribution were paid into the Registry of the High Court of Admiralty, and when the same was paid to the Captors:

Also, ACCOUNT of all CLAIMS for the several BOUNTIES or TONNAGE between the 1st day of January 1840 and the 31st day of December 1841, and of all SLAVE VESSELS that have been taken into Her Majesty's Service, under the Provisions of the Act 2 & 3 Vict. c. 73; stating the appraised or estimated Value of the same, the registered Tonnage, as well as that by *British* Admeasurement, and the Sums which the Commissioners of the Admiralty have deemed a proper Price for the same.

(*Captain Pechell.*)

Ordered, by The House of Commons, *to be Printed,*
29 *June* 1842.

RETURN (so far as it can be made out at the Foreign Office) of the Number of VESSELS which have been adjudicated in to the Report of the Committee on the State of that Colony, printed by Order of The House in the Year 1830, that elapsed before the Ship arrived at *Sierra Leone* for Adjudication; the Number of Slaves on Board at the Time of

Year of Adjudication.	Number of Vessels.	COURT.	NAME OF VESSEL.	TIME of CAPTURE.	PLACE OF CAPTURE. Latitude.	Longitude.	Time elapsed before the Ship arrived at Sierra Leone for Adjudication.
Number of Vessels already given in Appendix, No. 8, to Report of 1830	167	- -	- - - - -	- - -	- - -	- - -	- - -
					° ′ ″	° ′ ″	
1830	168	Spanish	Santiago a Polasqui	Aug. 3, 1830	3 10 1 N.	7 0 32 E.	20 days
„	169	„	Alafa Primo	Aug. 18 „	3 0 22 N.	5 0 16 E.	17 days
„	170	„	Veloz Pasagera	Sept. 17 „	5 0 8 N.	4 0 17 E.	19 days
„	171	„	Nueva Isabelita, *alias* Numero Uno.	Oct. 17 „	6 0 0 N.	14 0 40 W.	33 days
„	172	Portuguese	Maria	Nov. 7 „	- - Rio Pongos - -		7 days
„	173	„	Nimpha	Nov. 24 „	10 4 0 N.	15 43 0 W.	5 days
1831	174	Spanish	Maria	Dec. 26 „	5 26 0 N.	11 25 0 W.	9 days
„	175	„	Dos Amigos	Nov. 9 „	3 0 53 N.	9 0 24 E.	39 days
„	176	„	Primera	Feb. 22, 1831	6 20 0 N.	11 32 0 W.	9 days
„	177	„	Marinerito	Apr. 26 „	3 30 0 N.	9 15 0 E.	27 days
„	178	„	Potosi	July 21 „	5 30 0 N.	4 0 0 E.	22 days
„	179	„	Regulo	Sept. 10 „	4 30 0 N.	7 30 0 E.	32 days
					in the River Bonny.		
„	180	„	Rapido	Sept. 10 „	- - as above - -		as above
„	181	Portuguese	Roza	June 18 „	- Stirrups Key, Bahamas -		100 days
„	182	Brazilian	Ismenia	Nov. 28, 1829	4 5 0 N.	9 20 0 E.	44 days
1832	183	Spanish	Frasquita, *alias* Centella	Feb. 15, 1832	3 30 0 N.	7 20 0 E.	24 days
„	184	„	Segunda Teresa	Mar. 19 „	2 38 0 N.	3 9 0 E.	24 days
„	185	„	Prueba	May 3 „	3 10 0 N.	5 36 0 E.	23 days
„	186	„	Carolina	Aug. 15 „	2 53 0 N.	7 19 0 E.	18 days
„	187	Portuguese	Hebe	July 13 „	21 15 0 N.	83 5 0 W.	95 days
1833	188	Spanish	Desengano	Feb. 22, 1833	- - Bonny River - -		40 days
„	189	„	Veloz Mariana	Apr. 23 „	- New Calabar River -		30 days
„	190	„	Indio	May 13 „	3 28 0 N.	7 36 0 E.	30 days
„	191	„	Josefa	May 5 „	3 58 42 N.	7 27 39 E.	44 days
„	192	„	Segunda Socorro	July 7 „	6 30 0 N.	12 12 0 W.	2 days
„	193	„	Caridad	Sept. 18 „	0 42 0 N.	9 0 5 E.	22 days
„	194	„	El Primo	Oct. 28 „	2 37 0 N.	6 36 0 E.	36 days
„	195	Portuguese	Virtude	Oct. 23 „	4 20 0 N.	8 39 0 E.	20 days
1834	196	Spanish	Vengador	Jan. 8, 1834	4 1 0 N.	7 0 0 E.	36 days
„	197	„	Carolina	Feb. 16 „	5 4 0 N.	4 52 0 E.	25 days
„	198	„	La Pantica	Apr. 27 „	- off Old Calabar -		29 days
„	199	„	Maria Isabel	Aug. 5 „	36 0 0 N.	8 14 0 E.	26 days
„	200	„	Arrogante Mayaguesana	Sept. 17 „	4 11 0 S.	10 27 0 W.	3 days
„	201	„	Pepita	June 30 „	- in the River Cameroons -		36 days
„	202	„	Indagadora	Oct. 31 „	0 11 0 S.	0 15 0 E.	13 days
„	203	„	El Clemente	Nov. 3 „	1 0 0 N.	2 40 0 E.	16 days
„	204	Portuguese	Maria da Gloria	Nov. 25, 1833	24 11 0 S. off Rio.	42 40 0 W.	97 days
„	205	„	Apta	Dec. 27 „	0 20 0 N.	8 6 0 E.	left at Fernando Po, as unseaworthy.
„	206	„	Santissimo Rosario e Bom Jesus.	Dec. 28 „	1 7 0 N.	7 47 0 E.	ditto
„	207	„	Tamega	June 14, 1834	5 28 0 N.	3 20 0 E.	20 days
„	208	„	Despique	May 25 „	off the Isle of Pines, Cuba		80 days
„	209	„	Felicidad	Aug. 18 „	- off Cape Maize, Cuba -		61 days

the COURTS of MIXED COMMISSION at *Sierra Leone*, from the latest Date included in the Return, No. 8, of the Appendix down to the latest Period to which the same can be made up; stating the Time and Place of Capture, and the Time Capture, and the Number that were landed at *Sierra Leone*; distinguishing Males from Females, and Adults from Children.

NUMBER OF SLAVES on Board at Time of Capture.					NUMBER OF SLAVES landed at Sierra Leone.					REMARKS.
Males.		Females.		Total.	Males.		Females.		Total.	
Adults.	Children.	Adults.	Children.		Adults.	Children.	Adults.	Children.		
–	–	–	–	- -	–	–	–	–	- -	- - The number of cases is 168, while that of vessels is only 167; the case of the slaves having in one instance, that of the Snelheid, been adjudicated separately from the case of the vessel.
sex and age not stated				165	77	16	27	33	153	155 were landed, of whom 2 died pending adjudication.
- - none - -				- -	- - none - -					Slaves re-landed before capture.
sex and age not stated				551	206	145	54	125	530	534 were landed, of whom 4 died pending adjudication.
–	–	–	–	141	64	36	21	18	139	140 were landed, of whom 1 died pending adjudication.
14	16	13	2	35	14	16	13	2	35	
89	39	28	11	167	89	39	28	11	167	
sex and age not stated				505	207	130	68	92	497	501 were landed, of whom 4 died pending adjudication.
- - none - -				- -	- - none.					
–	–	–	–	311	119	91	45	55	311	1 died, and 1 was born on the passage to Sierra Leone.
–	–	–	–	475	220	78	49	29	376	- - 319 brought to Sierra Leone, of whom 28 died pending adjudication; 107 landed at Fernando Po, of whom 85 reached Sierra Leone afterwards.
sex and age not stated										
–	–	–	–	192	126	39	10	8	183	185 were landed, of whom 2 died pending adjudication.
–	–	–	–	207	127	28	6	3	164	168 were landed, of whom 4 died pending adjudication.
- - none - -				- -	2	–	–	–	2	- - The slaves were re-landed before capture, but 2 were picked out of the water by the capturing boats, and brought with the vessel to Sierra Leone.
sex and age not stated				157	- - none - -				- -	157 negroes were landed at Nassau, New Providence.
- - none - -				- -	- - none.					
–	–	–	–	290	131	62	19	16	228	236 were landed, of whom 8 died pending adjudication.
–	–	–	–	459	201	135	59	48	443	457 were landed, of whom 14 died pending adjudication.
–	–	–	–	308	215	43	9	7	274	277 were landed, of whom 3 died pending adjudication.
–	–	–	–	426	190	87	49	43	369	378 were landed, of whom 9 died pending adjudication.
sex and age not stated				401	- - none - -				- -	385 were landed at Nassau, New Providence.
–	–	–	–	220	128	66	12	3	209	211 were landed, of whom 2 died pending adjudication.
–	–	–	–	290	151	58	28	28	265	267 were landed, of whom 2 died pending adjudication.
–	–	–	–	117	52	24	9	23	108	109 were landed, of whom 1 died pending adjudication.
–	–	–	–	278	100	38	23	30	191	200 were landed, of whom 9 died pending adjudication.
107	104	37	59	307	107	104	37	59	307	
–	–	–	–	112	26	32	5	44	107	108 were landed, of whom 1 died pending adjudication.
–	–	–	–	343	139	82	53	61	335	
–	–	–	–	350	135	78	49	52	314	317 were landed, of whom 3 died pending adjudication.
sex and age not stated				405	192	59	50	75	376	377 were landed, of whom 1 died pending adjudication.
–	–	–	–	350	155	138	22	8	323	
–	–	–	–	317	132	71	30	36	269	274 were landed, of whom 5 died pending adjudication.
–	–	–	–	146	28	35	52	15	130	134 were landed, of whom 4 died pending adjudication.
–	–	–	–	336	81	83	67	57	288	309 were landed, of whom 21 died pending adjudication.
58	72	24	25	179	–	–	–	–	153	- - These negroes were put on board by the captor's desire, without the privity of the master; the vessel was therefore restored, but the slaves remained at Sierra Leone as freemen.
–	–	–	–	375	221	45	51	44	361	
–	–	–	–	415	236	97	22	46	401	403 were landed, of whom 2 died pending adjudication.
–	–	–	–	423	–	–	–	–	- -	- - Restored, as being illegally captured; of the negroes, 10 were stolen at Rio, 78 died on the passage to Sierra Leone, 26 died there pending adjudication, the remaining 309 were given up to the master with his vessel; he gave 64 sick to the British Government, and took away the remainder, 245 in number.
sex and age not stated				54	- - none - -				- -	- - 34 men, 39 boys, 20 women and 15 girls, in all 108 negroes, were landed at Fernando Po, 2 January 1835, five days after capture.
–	–	–	–	54						
–	–	–	–	442	190	187	40	17	434	436 were landed, of whom 2 died pending adjudication.
–	–	–	–	215	- - none - -				- -	215 were landed at Nassau, New Providence.
–	–	–	–	164	- - none - -				- -	- - 162 were landed as above, 29 August 1834, ten days after capture.

(*continued*)

RETURN of the Number and Names of Vessels which have been adjudicated in the Courts of Mixed Commission - -

Year of Adjudication.	Number of Vessels.	COURT.	NAME OF VESSEL.	TIME of CAPTURE.	PLACE OF CAPTURE. Latitude.	PLACE OF CAPTURE. Longitude.	Time elapsed before the Ship arrived at Sierra Leone for Adjudication.
					° ′ ″	° ′ ″	
1835 - -	210	Spanish -	Sutil - - - -	Dec. 17, 1834	3 56 0 N.	9 0 0 E.	37 days -
„ - -	211	- „ -	Formidable - - -	Dec. 17 „	4 21 0 N.	8 30 0 E.	42 days -
„ - -	212	- „ -	Minerva - - -	Jan. 15, 1835	- in the River Calabar -		36 days -
„ - -	213	- „ -	Iberia - - - -	Feb. 2 „	- off the River Bonny -		29 days -
„ - -	214	- „ -	El Manuel - - -	Feb. 23 „	2 20 0 N.	3 56 0 E.	18 days -
„ - -	215	- „ -	Bien Venida - -	Mar. 28 „	0 44 0 N.	1 0 0 W.	18 days -
„ - -	216	- „ -	Conchita - - -	June 15, 1823	4 31 0 N.	8 33 0 E.	176 days -
„ - -	217	- „ -	Numero Dos - -	June 15, 1835	4 20 0 N.	7 0 0 E.	27 days -
„ - -	218	- „ -	Volador - - -	June 29 „	2 39 0 N.	8 4 0 E.	48 days -
„ - -	219	- „ -	Semiramis - - -	Sept. 2 „	- - outside the bar of the River Bonny.		33 days -
„ - -	220	- „ -	Argos - - - -	Oct. 11 „	0 17 0 S.	8 23 0 E.	35 days -
„ - -	221	- „ -	Conde de los Andes -	Oct. 18 „	4 10 0 N.	7 0 39 E.	34 days -
„ - -	222	Portuguese	Atrevido - - -	Dec. 27, 1834	4 41 0 N.	2 38 0 E.	28 days -
„ - -	223	- „ -	Maria - - -	Jan. 3, 1835	0 7 0 N.	9 14 0 E.	46 days -
„ - -	224	- „ -	Legitimo Africano -	Mar. 20 „	5 34 0 N.	0 45 0 E.	43 days -
„ - -	225	- „ -	Thereza - - -	Nov. 16 „	6 23 0 N.	3 14 30 E.	35 days -
1836 - -	226	Spanish -	Norma - - -	Nov. 27 „	4 17 0 N.	7 10 0 E.	a month -
„ - -	227	- „ -	Tersicore - - -	Dec. 25 „	8 22 0 N.	14 37 0 W.	- - not stated, but less than a month.
„ - -	228	- „ -	Segunda Iberia - -	Dec. 28 „	2 0 0 N.	4 50 0 W.	26 days -
„ - -	229	- „ -	Ligera - - -	Dec. 24 „	4 0 0 N.	6 15 0 E.	- - left at Prince's Island, as unseaworthy.
„ - -	230	- „ -	- - Isabella Segunda, *alias* Cuatro Estrella.	Dec. 22 „	- off the River Bonny -		36 days -
„ - -	231	- „ -	Vandolero, *alias* Estrella	Jan. 21, 1836	4 12 0 N.	7 10 0 E.	39 days -
„ - -	232	- „ -	Seis Hermanos - -	Feb. 8 „	3 54 0 N.	5 17 0 E.	24 days -
„ - -	233	- „ -	Gaceta - - -	Jan. 14 „	5 24 0 N.	12 52 0 W.	10 days -
„ - -	234	- „ -	General Manso - -	Nov. 18, 1835	7 3 0 N.	11 43 0 W.	10 days -
„ - -	235	- „ -	Tres Tomasos - -	Dec. 19 „	off Gallinas. 7 12 0 N.	14 46 0 W.	6 days -
„ - -	236	- „ -	Victorina - - -	Nov. 17 „	- off Cape Mesurado -		10 days -
„ - -	237	- „ -	Rosarito - - -	Jan. 2, 1836	- - Accra Roads - -		a month -
„ - -	238	- „ -	Alafa Primo - -	Jan. 25 „	5 2 0 N.	9 0 0 W.	17 days -
„ - -	239	- „ -	Tema - - - -	Jan. 25 „	5 0 0 N.	8 57 0 W.	18 days -
„ - -	240	- „ -	Matilde - - -	Feb. 5 „	0 10 0 N.	7 20 0 E.	a month -
„ - -	241	- „ -	Felicia - - -	July 2 „	- off the River Bonny -		23 days -
„ - -	242	- „ -	Josefa - - -	Nov. 17 „	- off Cape Mesurado -		10 days -
„ - -	243	- „ -	Esplorador - - -	Jan. 29 „	4 17 0 N.	2 10 0 E.	35 days -
„ - -	244	- „ -	Golondrina - - -	Feb. 9 „	4 39 0 S.	11 42 0 E.	23 days -
„ - -	245	- „ -	Luisa - - - -	Feb. 9 „	Loango Bay. - - as above - -		23 days -
„ - -	246	- „ -	Tridente - - -	Feb. 19 „	- - as above - -		a month -
„ - -	247	- „ -	El Cazador Santurzano	Feb. 6 „	5 35 0 N.	4 20 0 E.	41 days -
„ - -	248	- „ -	Mosca - - -	Feb. 6 „	6 17 0 N.	2 50 0 E.	25 days -
„ - -	249	- „ -	Feliz Vascongada -	Jan. 30 „	Whydah Roads. - - River Bonny - -		32 days -
„ - -	250	- „ -	Diligencia - - -	Jan. 30 „	- - as above - -		32 days -
„ - -	251	- „ -	Eliza - - - -	Jan. 30 „	- - as above - -		31 days -
„ - -	252	- „ -	Maria Manuela - -	Jan. 30 „	- - as above - -		32 days -
„ - -	253	- „ -	La Maripoza - -	Mar. 10 „	- Old Calabar River -		23 days -
„ - -	254	- „ -	Joven Maria - -	Mar. 14 „	5 57 0 N.	2 22 0 E.	19 days -
„ - -	255	- „ -	Galana Josefa - -	Mar. 13 „	6 11 0 N.	1 37 0 E.	21 days -
„ - -	256	- „ -	General Mina - -	Mar. 6 „	4 10 0 N.	6 15 0 E.	a month -
„ - -	257	- „ -	Dos Hermanos - -	Mar. 9 „	4 10 0 N.	6 15 0 E.	37 days -
„ - -	258	- „ -	El Mismo, *alias* Centinella	Mar. 4 „	7 52 0 N.	13 3 0 E.	27 days -
„ - -	259	- „ -	Famosa Primeira - -	July 6 „	- Bight of Biafra -		14 days -
„ - -	260	- „ -	Atalaya - - -	Sept. 19 „	4 0 3 N.	8 0 4 E.	a month -
„ - -	261	- „ -	Cantabra - - -	Oct. 21 „	5 50 0 N.	9 57 0 W.	5 days -
„ - -	262	- „ -	Luisita - - -	Nov. 21 „	- River Sherbro -		6 days -
„ - -	263	Portuguese	Mindello - - -	May 4 „	3 18 0 N.	8 55 0 E.	29 days -
„ - -	264	- „ -	Criolo - - -	April 1 „	20 16 0 N.	72 22 0 W.	78 days -

- - at *Sierra Leone*, from 1830 to 1841; Time and Place of Capture, Number of Slaves on Board, &c.—*continued.*

NUMBER OF SLAVES on Board at Time of Capture.					NUMBER OF SLAVES landed at Sierra Leone.					REMARKS.
Males.		Females.		Total.	Males.		Females.		Total.	
Adults.	Children.	Adults.	Children.		Adults.	Children.	Adults.	Children.		
–	–	–	–	307	47	86	15	62	210	
–	–	–	–	712	130	107	60	81	377	- - 408 of these negroes were landed, of whom 31 died pending adjudication; of the 304 who died on the passage to Sierra Leone, about 150 were killed by lightning.
sex and age not stated				650	141	184	41	78	444	489 were landed, of whom 45 died pending adjudication.
–	–	–	–	313	143	43	44	75	305	
–	–	–	–	387	212	52	45	66	375	
–	–	–	–	430	132	118	39	73	362	367 were landed, of whom 5 died pending adjudication.
- - none - - -					- none - - -					- - Slaves re landed on approach of captor's boats. The adjudication of this vessel was delayed on account of some irregularity in the captor's declarations, and the case stood still till brought forward again by the Commissioners in 1835.
–	–	–	–	154	67	13	24	37	141	143 were landed, of whom 2 died pending adjudication.
–	–	–	–	487	207	53	84	74	418	441 were landed, of whom 23 died pending adjudication.
–	–	–	–	477	221	100	40	60	421	431 were landed, of whom 10 died pending adjudication.
–	–	–	–	429	189	60	55	57	361	373 were landed, of whom 12 died pending adjudication.
sex and age not stated				282	99	70	53	45	267	272 were landed, of whom 5 died pending adjudication.
–	–	–	–	494	95	161	111	115	482	483 were landed, of whom 1 died pending adjudication.
–	–	–	–	48	–	4	–	–	4	44 of these negroes were landed at Fernando Po, 5 Jan.
–	–	–	–	190	–	89	2	95	186	
–	–	–	–	214	47	65	35	55	202	
–	–	–	–	234	60	51	45	62	218	219 were landed, of whom 1 died pending adjudication.
- - none - - -					- none.					
–	–	–	–	260	69	70	44	50	233	241 were landed, of whom 8 died pending adjudication.
–	–	–	–	198	48	57	34	53	193	- - 194 were brought to Sierra Leone by H. M. S. Buzzard, and landed January 26, a month after capture.
sex and age not stated				347	119	32	90	89	330	334 were landed, of whom 4 died pending adjudication.
–	–	–	–	377	142	58	64	78	342	347 were landed, of whom 5 died pending adjudication.
–	–	–	–	189	68	13	57	31	169	173 were landed, of whom 4 died pending adjudication.
–	–	–	–	225	34	69	37	29	169	223 were landed, of whom 54 died pending adjudication.
- - none - - -					- none.					
sex and age not stated				395	179	53	65	55	352	365 were landed, of whom 13 died pending adjudication.
- none - - -					- none.					
sex and age not stated				119	41	4	12	30	87	- - 92 negroes were landed, of whom 5 died pending adjudication.
none - - -					- - none.					
- - -				266	45	114	22	73	254	- - 262 negroes were landed, of whom 8 died pending adjudication.
sex and age not stated.										
- - - -				315	–	- none		-	-	- - 307 negroes were landed at Nassau, New Providence, soon after capture.

(*continued.*)

RETURN of the Number and Names of Vessels which have been adjudicated in the Courts of Mixed Commission - -

Year of Adjudication.	Number of Vessels.	COURT.	NAME OF VESSEL.	TIME of CAPTURE.	PLACE OF CAPTURE. Latitude.	PLACE OF CAPTURE. Longitude.	Time elapsed before the Ship arrived at Sierra Leone for Adjudication.
					° ′ ″	° ′ ″	
1836 - -	265	Portuguese	Joven Carolina - -	July 22, 1836	4 33 0 N.	8 20 0 E.	21 days -
					Old Calabar.		
„ - -	266	- „ -	Felix - - - -	Sept. 18 „	4 0 4 N.	8 19 0 E.	27 days -
„ - -	267	- „ -	Esperança - - -	Sept. 17 „	4 17 0 N.	7 33 0 E.	28 days -
„ - -	268	- „ -	Esperança - - -	Oct. 3 „	- - off the Bonny - -		23 days -
„ - -	269	- „ -	Victoria - - -	Oct. 20 „	4 5 0 N.	7 49 0 E.	25 days -
„ - -	270	- „ -	Vigilante - - -	Mar. 8 „	15 46 0 N.	60 9 0 W.	- left at Nassau, as unseaworthy.
„ - -	271	- „ -	Quatro de Avril - -	Oct. 19 „	5 24 0 N.	3 28 0 E.	29 days -
„ - -	272	- „ -	Olimpia - - -	Oct. 28 „	2 49 0 N.	9 46 0 E.	29 days -
„ - -	273	- „ -	Veloz - - -	Nov. 14 „	1 45 0 N.	6 45 0 E.	19 days -
„ - -	274	- „ -	Phœnix - - -	Sept. 28 „	11 53 0 N.	62 2 0 W.	73 days -
					near Grenada.		
„ - -	275	- „ -	Negrinha - - -	Sept. 20 „	11 47 20 N.	61 13 30 W.	81 days -
					near Grenada.		
„ - -	276	- „ -	Serea - - - -	Nov. 12 „	- - between Old Calabar River and Princes Island.		29 days -
1837 - -	277	Spanish -	San Nicholas - -	Dec. 2 „	- - Sea Bar - -		8 days -
„ - -	278	- „ -	Lechuguino - -	Dec. 27 „	- - River Pongo - -		6 days -
„ - -	279	- „ -	Esperimento - -	Dec. 27 „	- - as above - -		6 days -
„ - -	280	- „ -	Gata - - - -	Dec. 5 „	4 13 0 N.	7 8 0 E.	a month -
„ - -	281	- „ -	Descubierta - -	Jan. 14, 1837	4 13 0 N.	7 7 0 E.	74 days -
„ - -	282	- „ -	Cinco Amigos - -	Mar. 30 „	5 32 27 N.	9 59 46 E.	7 days -
„ - -	283	- „ -	Dolores - - -	Apr. 19 „	4 8 0 N.	8 0 0 E.	26 days -
„ - -	284	- „ -	General Ricafort -	June 26 „	5 19 0 N.	0 5 0 W.	20 days -
„ - -	285	Portuguese	Paquete de Cabo Verde	Jan. 11 „	4 13 0 N.	7 7 0 E.	40 days -
„ - -	286	- „ -	Temerario - - -	Jan. 20 „	4 24 0 N.	7 8 0 E.	33 days -
„ - -	287	- „ -	Esperança - - -	Jan. 11 „	4 13 0 N.	7 7 0 E.	44 days -
„ - -	288	- „ -	Josefina - - -	Feb. 10 „	5 39 0 N.	2 45 0 E.	26 days -
„ - -	289	- „ -	Latona - - -	Feb. 4 „	5 34 0 N.	2 28 0 E.	33 days -
„ - -	290	- „ -	Carlota - - -	Dec. 1, 1836	19 43 0 N.	78 37 0 W.	- left at Honduras, as unseaworthy.
„ - -	291	- „ -	La Fayette - - -	May 11, 1837	6 8 0 N.	4 13 0 E.	26 days -
„ - -	292	- „ -	Cobra de Africa - -	May 27 „	3 30 0 N.	9 30 0 E.	18 days -
„ - -	293	- „ -	Flor de Tego - -	Apr. 3 „	26 30 0 N.	78 30 0 W.	86 days -
„ - -	294	- „ -	Providencia - -	June 1 „	5 4 0 N.	3 25 0 E.	a month -
„ - -	295	- „ -	Amelia - - -	Aug. 6 „	4 30 0 N.	4 20 0 E.	16 days -
„ - -	296	- „ -	Primorosa - - -	Sept. 25 „	1 29 0 N.	5 56 0 E.	24 days -
„ - -	297	- „ -	Vibora de Cabo Verde -	Sept. 28 „	3 47 0 N.	8 42 0 E.	37 days -
„ - -	298	- „ -	Don Francisco - -	Apr. 25 „	14 49 0 N.	60 45 0 W.	- left at Dominica, as unseaworthy.
					near Dominica.		
„ - -	299	- „ -	Florida - - -	May 13 „	14 58 0 N.	61 43 0 W.	- left at Grenada as unseaworthy.
„ - -	300	- „ -	Felicidade - - -	Nov. 4 „	4 16 0 N.	6 34 0 E.	29 days -
„ - -	301	- „ -	Traga Milhas - -	June 11 „	19 20 0 N.	76 47 0 W.	- left at Jamaica, as unseaworthy.
„ - -	302	- „ -	Ligeira - - -	Nov. 15 „	3 12 38 N.	5 26 46 E.	a month -
„ - -	303	Brazilian -	Incomprihensivel -	Dec. 23, 1836	23 56 0 N.	16 16 0 W.	35 days -
1838 - -	304	Spanish -	Opposiças - - -	Apr. 25, 1838	23 55 0 N.	84 47 0 W.	41 days -
„ - -	305	- „ -	Diligente - - -	Aug. 15 „	7 3 0 N.	11 46 0 W.	8 days -
„ - -	306	- „ -	Ligeira - - -	Aug. 16 „	7 3 0 N.	11 46 0 W.	7 days -
„ - -	307	- „ -	Constituçao - -	Aug. 21 „	- in Accra Roads -		20 days -
„ - -	308	- „ -	Eliza - - -	Sept. 24 „	5 46 0 N.	10 1 0 W.	a week -
„ - -	309	- „ -	Constituçao - -	Sept. 30 „	5 46 0 N.	9 53 0 W.	a week -
„ - -	310	- „ -	Josefina - - -	Oct. 17 „	7 3 0 N.	11 46 0 W.	8 days -
					Gallinas.		
„ - -	311	- „ -	Maria - - -	Nov. 8 „	10 18 0 N.	14 30 0 W.	4 days -
„ - -	312	- „ -	Veloz - - -	Nov. 17 „	7 3 0 N.	11 46 0 W.	37 days -
„ - -	313	- „ -	O Veterano - -	Nov. 18 „	7 6 0 N.	13 0 0 W.	about 2 days
„ - -	314	- „ -	Sirse - - - -	Nov. 17 „	7 6 0 N.	14 0 0 W.	about 2 days
„ - -	315	Portuguese	Princeza Africana -	Dec. 29, 1837	7 21 0 N.	12 40 0 W.	3 days -
„ - -	316	- „ -	Deixa Falar - -	Nov. 20 „	5 53 0 N.	4 16 0 E.	43 days -
„ - -	317	- „ -	Gratidao - - -	Dec. 23 „	5 40 0 N.	4 15 0 E.	19 days -

- - at *Sierra Leone*, from 1830 to 1841; Time and Place of Capture, Number of Slaves on Board, &c.—*continued.*

NUMBER OF SLAVES on Board at Time of Capture.					NUMBER OF SLAVES landed at Sierra Leone.					REMARKS.
Males.		Females.		Total.	Males.		Females.		Total.	
Adults.	Children.	Adults.	Children.		Adults.	Children.	Adults.	Children.		
–	–	–	–	421	145	96	46	90	377	- - 398 negroes were landed, of whom 21 died pending adjudication.
–	–	–	–	557	239	50	83	91	463	487 were landed, of whom 24 died pending adjudication.
–	–	–	–	471	193	43	77	91	404	424 were landed, of whom 20 died pending adjudication.
–	–	–	–	438	196	59	65	71	391	410 were landed, of whom 19 died pending adjudication.
–	–	–	–	379	158	59	33	60	310	318 were landed, of whom 8 died pending adjudication.
sex and age not stated				248	- - none		-	-	-	- - 80 men, 45 women, 43 boys, and 63 girls, in all 231 negroes, were landed at Nassau, New Providence, 19 March, 11 days after capture.
–	–	–	–	478	285	98	–	67	450	459 were landed, of whom 9 died pending adjudication.
–	–	–	–	282	45	94	16	83	238	261 were landed, of whom 23 died pending adjudication.
–	–	–	–	508	157	134	110	53	454	463 were landed, of whom 9 died pending adjudication.
316		168		484	- - none		-	-	-	- - 484 negroes were landed at Grenada, 6 October, eight days after capture.
sex and age not stated				336	- - none		-	-	-	- - 252 males and 83 females, in all 335, were landed at Grenada, 5 October, 15 days after capture.
- - ditto - -				22	6	5	5		21	
- - none - -				- -	–	none.				
28	7	8	6	49	28	7	8	6	49	
- - none - -				- -	–	none.				
sex and age not stated -				111	27	28	13	31	99	
- - none - -				- -	–	none.				
- - none - -				- -	–	none.				
sex and age not stated -				313	84	86	22	90	282	283 were landed, of whom 1 died pending adjudication.
- - none - -				- -	–	none.				
–	–	–	–	576	190	59	77	108	434	470 were landed, of whom 36 died pending adjudication.
–	–	–	–	349	106	24	40	59	229	239 were landed, of whom 10 died pending adjudication.
–	–	–	–	108	85	4	–	–	89	90 were landed, of whom 1 died pending adjudication.
–	–	–	–	350	189	78	45	33	345	346 were landed, of whom 1 died pending adjudication.
–	–	–	–	325	123	79	55	61	318	321 were landed, of whom 3 died pending adjudication.
–	–	–	–	203	- - none		-	-	-	203 were landed at Honduras soon after capture.
–	–	–	–	448	259	99	51	29	438	441 were landed, of whom 3 died pending adjudication.
sex and age not stated				162	19	22	27	27	95	110 were landed, of whom 15 died pending adjudication.
–	–	–	–	417	- - none		-	-	-	- - 417 were landed at the Bahamas, 6 April, three days after capture.
–	–	–	–	198	–	–	–	–	193	No return, showing age and sex, in the Foreign Office.
–	–	–	–	359	–	–	–	–	348	- - ditto - - ditto.
–	–	–	–	182	–	–	–	–	143	- - ditto - - ditto.
–	–	–	–	272	–	–	–	–	226	- - ditto - - ditto.
–	–	–	–	443	- - none		-	-	-	- - 433 were landed at Dominica, 27 April, two days after capture.
224		56		280	- - none		-	-	-	280 were landed at Grenada soon after capture.
–	–	–	–	337	–	–	–	–	288	No return, showing age and sex, in the Foreign Office.
–	–	–	–	283	- - none		-	-	-	- - 280 were landed at Jamaica, 16 June, five days after capture, 3 having died in the interim.
sex and age not stated				313	–	–	–	–	293	No return, showing age and sex, in the Foreign Office.
–	–	–	–	696	196	271	39	72	578	613 were landed, of whom 35 died pending adjudication.
- - none - -				- -	- -	- none.				
24	114	15	69	222	24	114	15	69	222	
sex and age not stated -				225	76	33	41	36	186	194 were landed, of whom 8 died pending adjudication.
- - ditto - -				452	137	123	57	53	370	- - 390 were landed, of whom 18 died and 2 absconded pending adjudication.

(*continued.*)

RETURN of the Number and Names of Vessels which have been adjudicated in the Courts of Mixed Commission - -

Year of Adjudication.	Number of Vessels.	COURT.	NAME OF VESSEL.	TIME of CAPTURE.	PLACE OF CAPTURE.		Time elapsed before the Ship arrived at Sierra Leone for Adjudication.
					Latitude.	Longitude.	
					° ′ ″	° ′ ″	
1838 - -	318	Portuguese	Camoes - - -	Sept. 28, 1837	- in the Benin -		12 days -
„ - -	319	- „ -	Izabelita - - -	Dec. 5 „	18 19 0 N.	75 33 52 W. off St. Domingo.	82 days -
„ - -	320	- „ -	Arrogante - - -	Nov. 23 „	21 27 0 N.	84 53 0 W.	95 days -
„ - -	321	- „ -	Felicidade - - -	Mar. 8 1838	- off Old Calabar River -		29 days -
„ - -	322	- „ -	Veloz - - -	Sept. 23, 1837	- - Benin - -		- - about 220 days.
„ - -	323	- „ -	Dous Irmaos - -	Apr. 2, 1838	4 13 0 N.	7 20 0 E.	40 days -
„ - -	324	- „ -	Prova - - -	June 3 „	- off Old Calabar River -		20 days -
„ - -	325	- „ -	Diligente - - -	Apr. 24 „	24 20 0 N.	85 55 0 W.	- - left at Bermuda.
„ - -	326	- „ -	Camoens - - -	Apr. 30 „	24 4 0 N.	80 8 0 W. off Cuba.	67 days -
„ - -	327	- „ -	Paquete Feliz - -	July 13 „	4 15 0 N.	7 20 0 E.	19 days -
„ - -	328	- „ -	Feliz - - - -	Feb. 5 „	17 47 0 N.	76 31 0 W.	- - wrecked at Senegal.
„ - -	329	- „ -	Ingemane - - -	Sept. 12, 1837	20 9 58 N.	82 59 30 W. off Jamaica.	- - left at Nassau.
„ - -	330	- „ -	Prova - - -	Oct. 9, 1838	2 15 0 N.	7 36 0 E.	14 days -
„ - -	331	- „ -	Dolcinea - - -	Oct. 31 „	4 16 0 N.	3 44 0 E.	about 3 weeks
„ - -	332	- „ -	Liberal - - -	Nov. 1 „	6 8 0 N.	1 50 0 W.	29 days -
„ - -	333	- „ -	Emprendedor - -	Nov. 27 „	7 4 0 N.	12 17 0 W.	7 days -
1839 - -	334	Spanish -	Ontario - - -	Dec. 18 „	0 55 0 N.	4 6 0 E.	22 days -
„ - -	335	- „ -	Ligeiro - - -	Nov. 16 „	- - Lagos Roads - -		35 days -
„ - -	336	- „ -	Victoria - - -	Dec. 24 „	- off Prince's Island -		a month -
„ - -	337	- „ -	Dous Amigos - -	Nov. 16 „	- - Lagos Roads - -		37 days -
„ - -	338	- „ -	Amalia - - -	Dec. 27 „	8 30 0 N.	13 35 0 W. off Sierra Leone.	about a day
„ - -	339	- „ -	Izabel - - -	Dec. 3 „	0 14 49 S.	0 42 54 E.	35 days -
„ - -	340	- „ -	Victoria - - -	Nov. 16 „	2 43 0 N.	4 0 0 W. Lagos Roads.	39 days -
„ - -	341	- „ -	Merced - - -	Jan. 10, 1839	6 8 0 N.	10 53 0 W.	12 days -
„ - -	342	- „ -	Maria Teresa - -	Jan. 26 „	5 46 0 N.	0 10 0 E.	26 days -
„ - -	343	- „ -	Matilde - - -	Jan. 22 „	0 28 0 N.	9 19 0 E. off the Gaboon River.	36 days -
„ - -	344	- „ -	Tejo - - - -	Jan. 31 „	- in the Gaboon -		38 days -
„ - -	345	- „ -	Serea - - - -	Mar. 11 „	5 13 0 N.	9 22 0 W.	9 days -
„ - -	346	- „ -	Braganza - - -	Feb. 9 „	5 53 0 N.	0 57 0 E.	39 days -
„ - -	347	- „ -	Rebecca - - -	Mar. 22 „	- - Gallinas - -		5 days -
„ - -	348	- „ -	Constanza - - -	May 16 „	7 10 0 N.	12 20 0 W.	4 days -
„ - -	349	- „ -	Si - - - -	May 27 „	6 50 0 N.	11 50 0 W.	about 2 days
„ - -	350	- „ -	Raynha dos Anjos -	May 10 „	38 0 0 S.	9 2 0 E.	24 days -
„ - -	351	- „ -	Vigilante - - -	May 23 „	- - Rio Congo - -		25 days -
„ - -	352	- „ -	Jack Wilding - -	May 27 „	- - Accra - -		26 days -
„ - -	353	- „ -	Merced - - -	June 18 „	- - New Cestos - -		8 days -
„ - -	354	- „ -	Emprendedor - -	June 20 „	7 6 0 N.	11 50 0 W. off Gallinas.	12 days -
„ - -	355	- „ -	Sin Igual - - -	June 28 „	- off Gallinas - -		4 days -
„ - -	356	- „ -	Victoria da Libertade -	June 26 „	5 42 0 N.	9 52 0 W. off Cestos.	5 days -
„ - -	357	- „ -	Christiano - - -	June 27 „	5 40 0 N.	9 50 0 W. off Cestos.	3 days -
„ - -	358	- „ -	Bella Florentina - -	May 20 „	5 45 0 N.	9 40 0 W. off Cestos.	8 days -
„ -	359	- „ -	Matilde - - -	June 29 „	3 7 0 S.	9 50 0 E. off River Congo.	25 days -
„ - -	360	- „ -	Constituçao - -	July 8 „	4 20 0 N.	4 40 0 E.	16 days -

- - at *Sierra Leone*, from 1830 to 1841; Time and Place of Capture, Number of Slaves on Board, &c.—*continued.*

NUMBER OF SLAVES on Board at Time of Capture.					NUMBER OF SLAVES landed at Sierra Leone.					REMARKS.
Males.		Females.		Total.	Males.		Females.		Total.	
Adults.	Children.	Adults.	Children.		Adults.	Children.	Adults.	Children.		
sex and age not stated				338	–	–	–	–	316	- - The negroes were put on board by order of the captor; the vessel was therefore restored, but the negroes were set free at Sierra Leone.
99		61		160	-	-	none	-	-	- - 90 men and 60 women, in all 150 negroes, were landed at Kingston, December 12, a week after capture, 10 having died in the interim.
sex and age not stated				407	-	-	none	-	-	- - 332 negroes were landed at Montego Bay, December 4, 12 days after capture, 75 having died in the interim.
237	158	41	123	559	176	96	57	75	404	- - 425 were landed, of whom 21 died pending adjudication; it seems that some girls were described by the captor as women.
-	-	none	-	-	-	-	none	-	-	- - 228 negroes were re-landed from the Veloz before capture. The vessel was taken to Ascension to be prosecuted for piracy, as having fired on the boats of H. M. S. S., but was ultimately brought to Sierra Leone as a slaver.
–	–	–	–	305	136	31	30	37	234	243 negroes were landed, of whom nine died.
–	–	–	–	225	87	36	28	42	193	201 were landed, of whom 8 died pending adjudication.
–	–	–	–	480	-	-	none	-	-	- - 475 were landed at Nassau soon after capture, 5 having died in the interim.
–	–	–	–	572	-	-	none	-	-	- - 569 were landed at Nassau soon after capture, 3 having died in the interim.
sex and age not stated				195	102	38	32	15	187	
–	–	–	–	326	-	-	none	-	-	- - 240 males and 84 females, in all 324 negroes, were landed at Kingston, February 29, 24 days after capture, 2 having died in the interim.
–	–	–	–	82	-	-	none	-	-	- - 79 were landed at Nassau, October 9, 27 days after capture, 3 having died in the interim.
176	80	33	39	328	149	73	25	46	293	- - 295 were landed, of whom 2 died pending adjudication; it seems that some of the girls were described by the captor as women.
–	–	–	–	253	112	73	18	46	249	
sex and age not stated				591	240	176	81	86	583	
				467	181	114	80	83	458	- - 465 were landed (4 negroes having died, and 2 having been born on the voyage to Sierra Leone), of whom 7 died pending adjudication.
–	–	–	–	219	123	42	9	26	200	
-	-	none	-	-	-	-	none.			
sex and age not stated				360	118	124	16	97	354	359 were landed, of whom 5 died pending adjudication.
-	-	none	-	-	-	-	none.			
182	57	76	29	344	170	62.	73	32	337	342 were landed, of whom 5 died pending adjudication.

(*continued.*)

RETURN of the Number and Names of Vessels which have been adjudicated in the Courts of Mixed Commission - -

Year of Adjudication.	Number of Vessels.	COURT.	NAME OF VESSEL.	TIME of CAPTURE.	PLACE OF CAPTURE. Latitude.	PLACE OF CAPTURE. Longitude.	Time elapsed before the Ship arrived at Sierra Leone for Adjudication.
					° ′ ″	° ′ ″	
1839 - -	361	Spanish -	Dos Amigos - -	Aug. 27, 1839	5 25 0 N.	0 50 0 E.	17 days -
					off Rio Volta.		
„ - -	362	- „ -	Victoria - - -	Dec. 18, 1838	- off St. Jago de Cuba -		- - left at Port Royal, Jamaica.
„ - -	363	- „ -	Scorpio - - -	Nov. 26 „	21 7 0 N.	81 45 0 W.	- - left at Jamaica, as unseaworthy.
„ - -	364	- „ -	Jozefina - - -	Aug. 7, 1839	- - Rio Congo - -		68 days -
„ - -	365	- „ -	Liberal - - -	Sept. 7 „	- - Rio Congo - -		37 days -
„ - -	366	- „ -	Ligeira - - -	Sept. 7 „	- - Rio Congo - -		37 days -
„ - -	367	- „ -	Sete de Avril - -	Sept. 27 „	5 55 0 N.	30 20 0 E.	24 days -
„ - -	368	- „ -	Brilhante - - -	Oct. 16 „	- - off Gallinas - -		6 days -
„ - -	369	- „ -	Fortuna - - -	Nov. 1 „	6 20 0 N.	4 20 0 E.	23 days -
„ - -	370	- „ -	Magdalena - - -	Nov. 11 „	4 16 0 N.	7 7 0 W.	14 days -
„ - -	371	- „ -	Labandeira - - -	Sept. 24 „	7 2 0 N.	15 52 0 W.	40 days -
„ - -	372	Portuguese	Violante - - -	Dec. 28, 1838	20 miles south of the Sherbro		5 days -
„ - -	373	- „ -	Gertrudes - - -	Dec. 28 „	- - as above - -		as above -
„ - -	374	- „ -	Magdalena - - -	Dec. 17 „	0 54 0 N.	- - -	24 days -
„ - -	375	- „ -	Aurelia Feliz - -	Dec. 9 „	- - off Bulama - -		6 days -
„ - -	376	- „ -	Rozalia Habanera -	July 13 „	18 46 0 N.	81 34 0 W.	- - left at Honduras, unseaworthy.
					near Jamaica.		
„ - -	377	- „ -	Lavradora - - -	Mar. 31 „	- in the Rio Congo -		5 days -
„ - -	378	- „ -	Passos - - -	Apr. 8, 1839	1 45 0 N.	7 43 0 E.	28 days -
„ - -	379	- „ -	Liberal - - -	Apr. 14 „	11 40 0 N.	16 0 0 W.	39 days -
„ - -	380	- „ -	Casoalidade - - -	July 6 „	off the Bananas, Sierra Leone		1 day -
„ - -	381	- „ -	Pombada Africa - -	June 26 „	3 29 0 N.	9 11 0 E.	27 days -
„ - -	382	- „ -	Sedo ou Tarde - -	June 25 „	- - as above - -		- - left at Fernando Po, unseaworthy.
„ - -	383	- „ -	Andorinha - - -	Oct. 2 „	13 0 0 N.	7 3 0 E.	2 months -
„ - -	384	- „ -	Vencedora - - -	Oct. 4 „	0 15 0 N.	6 56 0 E.	- - left at Princes'Island, unseaworthy.
„ - -	385	Brazilian	Jacuhy - - -	June 14 „	4 58 8 S.	6 56 0 W.	23 days -
„ - -	386	- „ -	Emprendedor - -	June 23 „	- Whydah Roads -		27 days -
„ - -	387	- „ -	Simpathia - - -	July 27 „	6 0 16 N.	1 40 0 E.	33 days -
					off Popoe.		
„ - -	388	- „ -	Firmeza - - -	July 25 „	- - Whydah - -		41 days -
„ - -	389	- „ -	Intrepido - - -	Aug. 9 „	5 50 0 N.	0 54 0 E.	33 days -
„ - -	390	- „ -	Augusto - - -	Sept. 5 „	5 48 0 N.	1 0 0 E.	28 days -
„ - -	391	- „ -	Pampeiro - - -	Sept. 5 „	- - Lagos - -		45 days -
„ - -	392	- „ -	Golfinho - - -	Sept. 19 „	6 0 0 N.	1 45 0 E.	30 days -
„ - -	393	- „ -	Destemida - - -	Sept. 29 „	- - Winnebah - -		11 days
„ - -	394	- „ -	Calliope - - -	Oct. 27 „	5 50 0 N.	1 38 0 E.	23 days -
„ - -	395	- „ -	Sociedade Feliz - -	Nov. 21 „	- - Cape Palmas - -		11 days -
1840 - -	396	Spanish -	Eagle - - - -	Mar. 12 „	- - Fernando Po - -		- - lost on the voyage to Sierra Leone.
„ - -	397	- „ -	Laura - - - -	Jan. 7, 1840	- off Cape Monserrado -		11 days -
„ - -	398	- „ -	Lark - - - -	Jan. 16 „	- in the River Nun -		44 days -
„ - -	399	- „ -	Asp - - - -	Jan. 16 „	- in the River Nun -		44 days -
„ - -	400	- „ -	Eliza Davidson - -	Apr. 4 „	- near Sierra Leone -		4 days -
„ - -	401	- „ -	Octavia - - -	Apr. 3 „	6 15 0 N.	1 35 0 E.	a month -
					Popoe.		
„ - -	402	- „ -	San Pablo de Loanda -	June 3 „	- - off Gallinas - -		4 days -
„ - -	403	- „ -	Maria Rosario - -	June 9 „	- off Cape Mount -		5 days -
„ - -	404	- „ -	Republicano - -	Aug. 14 „	- in Sierra Leone Harbour -		- - -
„ - -	405	- „ -	Plant - - - -	July 7 „	6 12 0 N.	2 40 0 E.	17 days -
„ - -	406	- „ -	Carolina - - -	July 10 „	4 10 0 N.	5 45 0 E.	16 days -
„ - -	407	- „ -	Diana - - - -	July 21 „	- - off Gallinas - -		38 days -
„ - -	408	- „ -	Sirena - - - -	Aug. 17 „	- - off Gallinas - -		12 days -
„ - -	409	- „ -	Palmira - - - -	Sept. 15 „	3 59 0 N.	5 48 0 E.	24 days -
„ - -	410	- „ -	Felicidade - - -	Oct. 5 „	5 40 0 N.	10 2 0 W.	11 days -
„ - -	411	- „ -	Veracruzano (Paquete) -	Oct. 14 „	5 34 0 N.	9 45 0 W.	13 days -
„ - -	412	- „ -	Porto Formozo - -	Sept. 16 „	7 5 0 N.	11 50 0 W.	42 days -
„ - -	413	- „ -	Vanguardia - - -	Nov. 11 „	7 6 0 N.	12 17 0 W.	30 days -

- - at *Sierra Leone*, from 1830 to 1841; Time and Place of Capture, Number of Slaves on Board, &c.—*continued.*

NUMBER OF SLAVES on Board at Time of Capture.					NUMBER OF SLAVES landed at Sierra Leone.					REMARKS.
Males.		Females.		Total.	Males.		Females.		Total.	
Adults.	Children.	Adults.	Children.		Adults.	Children.	Adults.	Children.		
- - none - - -					- - none.					
83	84	16	29	212	- - none - - -					- - 190 negroes were landed at Nassau, December 7, 1838, 11 days after capture, 22 having died in the interim.
- - none - - -					- - none.					
202	131	73	21	427	200	125	68	22	415	- - 417 negroes were landed, of whom two died pending adjudication. It seems that one girl was described by the captor as a woman.
- - none - - -					- - none.					
35	74	35	47	191	35	74	35	47	191	
14	92	12	50	168	14	92	12	50	168	
sex and age not stated				320	167	38	32	56	293	308 were landed, of whom 15 died pending adjudication.
- - none - - -					- - none.					
–	–	–	–	247	- - none - - -					- - 223 were landed at Honduras, July 23, 10 days after capture, 24 having died in the interim.
sex and age not stated										
–	–	–	–	251	163	40	35	9	247	251 were landed, of whom 4 died pending adjudication.
–	–	–	–	87	33	17	17	14	81	
11	9	12	9	41	11	9	12	9	41	
10	41	12	25	88	10	41	12	25	88	
–	–	–	–	155	sex and age not stated				126	
sex and age not stated				23	9	2	7	3	21	- - The negroes were brought to Sierra Leone, about 27 days after capture.
–	–	3	–	3	–	–	3	–	3	
sex and age not stated				53	9	23	5	12	49	- - 51 negroes were brought to Sierra Leone by the captor, 38 days after capture, of whom two died pending adjudication.
38	117	25	27	207	38	104	24	26	192	197 were landed, of whom 5 died pending adjudication.
- - none - - -					- - none.					
–	2	–	–	2	–	2	–	–	2	
- - none - - -					- - none.					

(*continued.*)

RETURN of the Number and Names of Vessels which have been adjudicated in the Courts of Mixed Commission - -

Year of Adjudication.	Number of Vessels.	COURT.	NAME OF VESSEL.	TIME of CAPTURE.	PLACE OF CAPTURE. Latitude.	PLACE OF CAPTURE. Longitude.	Time elapsed before the Ship arrived at Sierra Leone for Adjudication.
					° ′ ″	° ′ ″	
1840 - -	414	Spanish -	Reglano - - -	Dec. 10, 1840	6 24 0 N.	12 26 0 W.	5 days -
					off Seabar.		
„ - -	415	- „ -	Clara - - - -	Mar. 18, 1839	4 23 0 N.	6 5 0 E.	left at Jamaica, unseaworthy.
„ - -	416	Portuguese	Olimpa - - -	Apr. 18, 1840	5 0 0 N.	2 30 0 E.	a month -
„ - -	417	Brazilian	Conçeiçao - - -	Nov. 28, 1839	6 19 0 N.	2 3 0 E.	a month -
„ - -	418	- „ -	Julia - - - -	Nov. 29 „	- - as above -	-	as above -
„ - -	419	- „ -	Santo Antonio Victorioso	Apr. 2, 1840	4 45 0 N.	6 2 0 W.	32 days -
„ - -	420	- „ -	Republicano - -	Apr. 12 „	25 21 0 S.	12 48 0 W.	36 days -
„ - -	421	- „ -	Claudina - - -	Aug. 29 „	- off Rio Congo	-	19 days -
„ - -	422	- „ -	Onze de Novembro -	Oct. 11 „	11 40 0 S.	5 20 0 E.	21 days -
„ - -	423	- „ -	Gratidao - - -	Oct. 14 „	3 58 0 N.	0 3 0 E.	24 days -
					off Prampram.		
„ - -	424	„ -	Emilia - - -	Nov. 9 „	- in the River Gaboon -		19 days -
1841 - -	425	Spanish -	Recurso - - -	Nov. 23 „	4 4 0 N.	6 6 0 E.	33 days -
„ - -	426	- „ -	Boa Uniao - - -	Dec. 9 „	off Seabar, River Sherbro		47 days -
„ - -	427	- „ -	San Pablo de Loanda -	Dec. 11 „	- - as above -	-	43 days -
„ - -	428	- „ -	Urraca - - -	Jan. 19, 1841	- - as above -	-	27 days -
„ - -	429	- „ -	Republicano - -	Feb. 22 „	- - as above -	-	a month -
„ - -	430	- „ -	Liberal - - -	Mar. 31 „	6 3 0 N.	1 37 0 E.	29 days -
„ - -	431	- „ -	Josefina - - -	May 1 „	2 1 0 S.	8 40 0 W.	12 days -
„ - -	432	- „ -	Amalia - - -	July 3 „	11 49 0 N.	16 49 0 W.	6 days -
„ - -	433	- „ -	Numantina - - -	Sept. 2 „	4 39 0 S.	11 16 0 E.	33 days -
„ - -	434	- „ -	Erculos - - -	Oct. 18 „	4 45 0 S.	11 2 0 E.	14 days -
„ - -	435	- „ -	Paz - - - -	Oct. 27 „	3 32 0 N.	6 35 0 E.	11 days -
„ - -	436	Portuguese	Formigo - - -	Nov. 5 „	0 31 0 N.	6 51 0 E.	left at Prince's Island, unseaworthy.
„ - -	437	Brazilian	Feliz Ventura - -	Nov. 29, 1840	6 30 0 N.	10 57 0 W.	12 days -
					off Cape Mount.		
„ - -	438	- „ -	Bellona - - -	Dec. 14 „	8 10 0 S.	13 8 0 E.	21 days -
„ - -	439	- „ -	Nova Inveja - -	Jan. 20, 1841	5 43 0 S.	11 36 0 E.	25 days -
					off Cabinda.		
„ - -	440	- „ -	Bom Fim - - -	Jan. 20 „	- - as above -	-	41 days -
„ - -	441	- „ -	Juliana - - -	Feb. 12 „	5 41 0 N.	2 39 0 E.	42 days -
„ - -	442	- „ -	Orozimbo - - -	Jan. 8 „	8 40 0 S.	13 0 0 E.	79 days -
„ - -	443	- „ -	Firme - - -	May 30 „	- - off Whydah -	-	29 days -
„ - -	444	- „ -	Nova Fortuna - -	June 6 „	- - Accra -	-	22 days -
„ - -	445	- „ -	Flor de America - -	June 29 „	- - Rio Congo -	-	24 days -
„ - -	446	- „ -	Donna Eliza - -	June 30 „	- - Benguella -	-	25 days -

In this Return, as in the Return of which this is a continuation, the Number of Slaves actually registered the number landed, when stated in the despatches, being also given in the remarks. In cases in which to be explained by the circumstance, that in the account of Slaves captured, some are described as children,

Foreign Office, 3 June 1842.

RETURN (so far as the same can be made out at the Foreign Office) of the several POWERS specifying those which have admitted the "Equipment

POWERS.	Equipment Article.	DATE OF EXCHANGE OF RATIFICATIONS Of Treaty for the Suppression of the Slave Trade.	Of the Equipment Article.
Spain - - - - - - - - -	Yes.	Aug. 2, 1817.	Aug. 27, 1835.
Madagascar - - - - - - - -	No.		
Netherlands - - - - - - -	Yes.	May 25, 1818.	Feb. 25, 1823.
Muscat - - - - - - - -	No.		
Sweden - - - - - - - -	Yes.	Feb. 26, 1825.	Feb. 26, 1825.
Brazil - - - - - - - -	No.	Mar. 13, 1827.	
France - - - - - - - -	Yes.	Dec. 16, 1831.	Apr. 12, 1833.
Denmark - - - - - - - -	Yes.	Oct. 19, 1834.	Oct. 19, 1834.
Sardinia - - - - - - - -	Yes.	Dec. 8, 1834.	Dec. 8, 1834.
Hanse Towns - - - - - - -	Yes.	Sept. 9, 1837.	Sept. 9, 1837.
Tuscany - - - - - - - -	Yes.	Mar. 2, 1838.	Mar. 2, 1838.
Two Sicilies - - - - - - -	Yes.	May 4, 1838.	May 4, 1838.

Foreign Office, 3 June 1842.

- - at *Sierra Leone*, from 1830 to 1841; Time and Place of Capture, Number of Slaves on Board, &c.—*continued.*

NUMBER OF SLAVES on Board at Time of Capture.					NUMBER OF SLAVES landed at Sierra Leone.					REMARKS.
Males.		Females.		Total.	Males.		Females.		Total.	
Adults.	Children.	Adults.	Children.		Adults.	Children.	Adults.	Children.		
sex and age not stated				350	166	88	58	35	347	350 were landed, of whom 3 died pending adjudication.
- - none - -				- -	- - none.					
sex and age not stated				380	142	88	81	57	368	370 were landed, of whom 2 died pending adjudication.
- - none - -				- -	- - none.					
sex and age not stated				291	169	121	–	–	290	
- - none - -				- -	- - none.					
sex and age not stated				18	sex and age not stated				16	- - Brought to Sierra Leone in the Galiana prize, Dec. 10, 1841, 35 days after capture.
- - none - -				- -	- - none.					

on Emancipation has been taken, as affording the nearest criterion whereby to judge of the number landed; the number of adults said to be landed differs from the number captured, the discrepancy is apparently who, in the account of Slaves landed, are described as adults, and *vice versâ*.

Canning.

with which TREATIES have hitherto been concluded for the SUPPRESSION of the SLAVE TRADE; Article," and the Date of each Ratification.

POWERS.	Equipment Article.	DATE OF EXCHANGE OF RATIFICATIONS	
		Of Treaty for the Suppression of the Slave Trade.	Of the Equipment Article.
Venezuela - - - - - - -	Yes.	Dec. 12, 1839.	Dec. 12, 1839.
Argentine Confederation - - - -	Yes.	May 15, 1840.	May 15, 1840.
Republic of the Uruguay - - - -	Yes.	Jan. 21, 1842.	Jan. 21, 1842.
Haiti - - - - - - - -	Yes.	Oct. 20, 1840.	Oct. 20, 1840.
Bolivia - - - - - - - -	Yes.	Ratifications not yet exchanged.	
Texas - - - - - - - -	Yes.	Ratifications not yet exchanged.	
Mexico - - - - - - - -	Yes.	Ratifications not yet exchanged.	
Chili - - - - - - - -	Yes.	Ratifications not yet exchanged.	
Austria, Prussia, Russia - - - - - - -	Yes.	Feb. 19, 1842.	Feb. 19, 1842.

Canning.

RETURN (so far as the same can be made out at the Foreign Office) of SLAVE VESSELS brought before the several December 1841; with the Name of the Capturing Ship, and the Commander thereof; describing the Flag under Vessel, as well as that by British Admeasurement; and if Slaves on Board, stating the Number at the Time of of Sale, or of Costs awarded, the Expenses of Condemnation, and of breaking up each Vessel so condemned.

YEAR.	COURT.	NAME OF VESSEL.	NAME of the Capturing Ship.	NAME of Commander of the Capturing Ship.	FLAG under which each Vessel was seized.	Whether seized under the late Treaty with Spain or not.
1840 -	British and Spanish (Sierra Leone).	Eagle - - -	H. M. S. Buzzard -	Charles Fitzgerald	United States	- yes -
		Laura - - -	H. M. S. Viper -	G. J. Burslem -	- ditto -	- „ -
		Lark - - -	H. M. S. Wolverene	William Tucker -	- ditto -	- „ -
		Asp - - -	- ditto - -	- ditto - -	- ditto -	- „ -
		Eliza Davidson -	H. M. S. Wanderer	Hon. J. Denman -	- ditto -	- „ -
		Octavia - - -	H. M. S. Lynx -	Henry Broadhead -	- ditto -	- „ -
		San Paolo de Loanda	H. M. S. Wanderer	Hon. J. Denman -	Portuguese	- „ -
		Maria Rosario - -	- ditto - -	- ditto - -	Spanish -	- „ -
		Republicano - -	- ditto - -	- ditto - -	- ditto -	- „ -
		Plant - - -	H. M. S. Persian -	William H. Quin -	United States	- „ -
		Carolina - - -	H. M. S. Buzzard -	R. T. J. Levinge -	Spanish -	- „ -
		Diana - - -	H. M. S. Saracen -	H. W. Hill - -	- ditto -	- „ -
		Sirena - - -	- ditto - -	- ditto - -	- ditto -	- „ -
		Palmira - - -	H. M. S. Wolverene	William Tucker -	- ditto -	- „ -
		Felicidade - -	H. M. S. Termagant	H. F. Seagram -	Portuguese	- „ -
		Veracruzano (Paquete)	- ditto - -	- ditto - -	Spanish -	- „ -
		Porto Formozo -	H. M. S. Rolla -	Charles Hall -	Portuguese	- „ -
		Vanguardia - -	-- H. M. S. Wanderer and H. M. S. Rolla.	-- Hon. J. Denman and Charles Hall.	Spanish -	- „ -
		Reglano - - -	H. M. S. Wanderer	Hon. J. Denman -	- ditto -	- „ -
		Clara - - -	H. M. S. Buzzard -	Charles Fitzgerald	United States	- „ -
	British and Portuguese (Sierra Leone).	Olimpa - - -	H. M. S. Lynx -	H. Broadhead -	Portuguese	- no -
	British and Brazilian (Sierra Leone).	Conceiçao - -	H. M. S. Termagant	H. F. Seagram -	Brazilian -	- „ -
		Julia - - -	- ditto - -	- ditto - -	Portuguese	- „ -
		Santo Antonio Victorioso.	H. M. S. Wolverene	William Tucker -	Brazilian -	- „ -
		Republicano - -	H. M. S. Fantome -	E. H. Butterfield -	Montevidean	- „ -
		Claudina - - -	- ditto - -	- ditto - -	Brazilian -	- „ -
		Onze de Novembro -	- ditto - -	- ditto - -	- ditto -	- „ -
		Gratidao - - -	H. M. S. Wolverene	William Tucker -	- ditto -	- „ -
		Emilia - - -	- ditto - -	- ditto - -	Portuguese	- „ -
	British and Spanish (the Havana).	Mercedita - -	H. M. S. Crocodile	Alexander Milne -	Spanish -	- yes -
	British and Brazilian (Rio de Janeiro).	Providencia - -	H. I. M. S. Constança	J. J. Ignacio -	Portuguese	- no -
		Africano Atrevido -	a detachment of the	National Guard -	- ditto -	- „ -
		Paquete de Benguela	H. M. S. Wizard -	—— Birch - -	none - -	- „ -
		Alexandre - -	H. M. S. Grecian -	William Smyth -	Brazilian -	- „ -
		A canoe, without a name.	H. M. S. 1° de Abril	J. M. Nogueira -	none - -	- „ -

COURTS of MIXED COMMISSION for ADJUDICATION, between the 1st day of January 1840 and the 31st day of which each Vessel was seized; distinguishing those under the late Treaty with *Spain*; the Registered Tonnage of each Seizure, the Date of the Decretal Part of the Sentence, whether Forfeiture or Restitution, with the Amount of Proceeds

Registered Tonnage.	Tonnage by British Admeasurement.	Number of Slaves on Board at Time of Seizure.	Date of Sentence.	Whether Forfeiture or Restitution.	Amount of Proceeds of Sale.	Amount of Costs awarded.	Such Portion of the Expenses of Condemnation as is included in the Accounts sent in by Her Majesty's Commissioners.	Expenses of Breaking up.
not stated	not stated	none	Jan. 18, 1840	forfeiture	£. 18 — —	none	£. 6 5 10	£. — — vessel lost at sea.
ditto	ditto	„	„ 28 „	„	220 10 6	„	50 6 6	11 18 6
94 35/95	ditto	„	Mar. 9 „	„	486 11 3	„	42 19 9	11 11 —
140 63/95	ditto	„	„ 9 „	„	694 4 2	„	66 7 10	15 — —
197 88/95	ditto	2	Apr. 18 „	„	1,806 16 2	„	178 8 —	19 5 6
97	ditto	none	June 5 „	„	219 19 4	„	80 7 8	11 14 —
93	ditto	„	„ 18 „	„	292 9 8	„	48 13 9	11 9 6
68	ditto	„	„ 24 „	„	221 17 8	„	50 — 4	9 12 —
144	ditto	„	Case withdrawn by mutual consent and with permission of the Court.					
208 15/95	226 1069/3500	„	Sept. 1, 1840	forfeiture	5,540 16 8	none	1,369 12 4	20 2 —
36	29 3012/3500	„	„ 1 „	„	564 19 4¼	„	213 18 10	5 8 —
118	82 2826/3500	„	„ 8 „	„	243 8 4	„	108 17 3	13 7 —
78	41 3192/3500	„	„ 8 „	„	246 17 1	„	61 3 4	10 7 —
105	90 1035/3500	„	Oct. 19 „	„	1,824 19 4	„	570 10 4	12 7 6
85	64 2077/3500	„	„ 24 „	„	307 15 2	„	57 13 8	10 17 6
72	56 2679/3500	„	Nov. 5 „	„	220 17 —	„	56 2 3	9 18 —
95	66 1501/3500	„	„ 5 „	„	259 19 10	„	54 4 6	11 12 6
111	81 3213/3500	„	Dec. 9 „	„	389 18 1	„	80 10 9	12 16 6
77	48 1421/3500	350	„ 23 „	„	269 13 7	„	82 13 10	10 5 6
97 11/95	not known	none	„ 31 „	„	93 19 11	„	17 13 7	not known.
79 or 89	not stated	380	May 26 „	„	435 12 9	„	15 5 10½	sold entire.
90	ditto	none	Jan. 6 „	„	106 3 10	„	39 12 —	„
130	ditto	„	„ 6 „	„	282 10 11	„	62 9 1	„
153	ditto	„	May 21 „	„	1,108 2 3½	„	522 18 3	„
144	ditto	„	June 5 „	„	239 15 2	„	73 10 6	„
130	80 3907/3500	„	Oct. 1 „	„	696 18 8	„	98 14 9	„
206	113 3867/3500	„	Nov. 11 „	„	3,364 1 10	„	758 18 2	„
77	44 3032/3500	„	„ 16 „	„	836 4 2	„	84 9 4	„
90	52 2640/3500	„	Dec. 9 „	„	388 11 4	„	75 3 7	„
not stated	not stated	„	Apr. 24 „	„	*Dolls. Rs.* 2,530 6½	„	*Dolls. Rs.* 387 7½	*Dolls.* 90
ditto	ditto	„	May 4 „	that the Court had no jurisdiction.				
ditto	ditto	„	Apr. 6 „	ditto	ditto.			
70	56	280	Sept. 28 „	forfeiture	accounts not yet received.			
73	58½	none	„ 10 „	restitution	— — —	1,054,286 *Rs.* about £.131. 15. 8.st.		
not stated	not stated	47	Oct. 29 „	that the Court had no jurisdiction.				

(*continued.*)

RETURN of Slave Vessels brought before the several Courts of Mixed Commission for Adjudication, - - - -

YEAR.	COURT.	NAME OF VESSEL.	NAME of the Capturing Ship.	NAME of Commander of the Capturing Ship.	FLAG under which each Vessel was seized.	Whether seized under the late Treaty with Spain or not.
1841:	British and Spanish (Sierra Leone).	Recurso	H. M. S. Forester	G. L. Norcock	Portuguese	yes
		Boa Uniao	H. M. S. Saracen	H. W. Hill	ditto	„
		San Paolo de Loanda	ditto	ditto	ditto	„
		Urraca	ditto	ditto	Spanish	„
		Republicano	ditto	ditto	ditto	„
		Liberal	H. M. Ss. Wolverene and Lynx.	Wm. Tucker and Henry Broadhead.	Portuguese	„
		Josephina	H. M. S. Fantome	E. H. Butterfield	ditto	„
		Amalia	H. M. S. Wanderer	Hon. J. Denman	Spanish	„
		Numantina	H. M. S. Persian	T. R. Eden	ditto	„
		Erculos	H. M. S. Iris and Acorn.	Wm. Tucker and J. Adams.	Portuguese	„
		Paz	H. M. S. Pluto, (steamer).	W. S. Blount	ditto	„
	British and Brazilian (Sierra Leone).	Feliz Ventura	H. M. S. Rolla	C. Hall	Brazilian	no
		Bellona	H. M. S. Fantome	E. H. Butterfield	Portuguese	„
		Nova Inveja	H. M. S. Persian	T. E. Symonds	Brazilian	„
		Bom Fim	ditto	ditto	ditto	„
		Juliana	H. M. S. Buzzard	R. T. J. Levinge	ditto	„
		Orozimbo	H. M. Ss. Fantome, Waterwitch and Brisk.	E. H. Butterfield, H. Matson and G. Sprigg.	ditto	„
		Firme	H. M. S. Dolphin	Edw. Littlehales	ditto	„
		Nova Fortuna	ditto	ditto	ditto	„
		Flor de America	H. M. S. Persian	T. R. Eden	ditto	„
		Donna Ellisa	H. M. S. Waterwitch	H. J. Matson	ditto	„
	British and Spanish (the Havana).	Jesus Maria	H. M. S. Ringdove	Hon. K. Stewart	Spanish	yes
		Segunda Rosario	H. M. S. Cleopatra	A. Milne	ditto	„
		Aguila	Civil authorities of the Island of Cuba		none	„
	British and Brazilian (Rio de Janeiro).	Asseiceira	H. M. S. Fawn	John Foote	ditto	no
		Nova Aurora	H. M. S. Rose	P. Christie	Brazilian	„
		Castro	H. M. S. Grecian	Wm. Smyth	ditto	„
		Convençao	H. M. S. Rose	P. Christie	ditto	„

Foreign Office, 28 June 1842.

- - - between 1 January 1840 and 31 December 1841, with the Name of Capturing Ship, &c.—*continued.*

Registered Tonnage.	Tonnage by British Admeasurement.	Number of Slaves on Board at Time of Seizure.	Date of Sentence.	Whether Forfeiture or Restitution.	Amount of Proceeds of Sale.	Amount of Costs awarded.	Such Portion of the Expenses of Condemnation as is included in the Account sent in by Her Majesty's Commissioners.	Expenses of Breaking up.
					£. s. d.		£. s. d.	£. s. d.
85	60 45/95	- none -	Jan. 11, 1841	forfeiture	293 10 6	- none -	67 9 7	10 17 6
99	54 256/95	- „ -	Feb. 1 „	- „ -	276 18 5	- „ -	59 1 10	11 18 6
110	63 645/95	- „ -	„ „ „	- „ -	334 10 7	- „ -	66 14 6	12 15 6
45	64 215/95	- „ -	„ 23 „	- „ -	194 8 9	- „ -	50 8 3	6 15 –
102	100 1140/95	- „ -	Apr. 6 „	- „ -	219 10 4	- „ -	64 7 –	10 2 6
107	91 280/95	- „ -	May 5 „	- „ -	484 19 –	- „ -	98 19 8	10 8 9
160	125 550/95	- „ -	„ 20 „	- „ -	415 18 6	- „ -	99 5 2	13 15 –
93	88 740/95	- „ -	July 27 „	- „ -	362 16 7	- „ -	89 6 1	9 11 3
90	66 336/95	- „ -	Oct. 12 „	- „ -	481 15 –	- „ -	111 2 4	9 7 6
no papers	91 242/95	- „ -	Nov. 16 „	- „ -	431 7 10	- „ -	81 5 3	9 16 6
70	75 335/95	- „ -	„ 25 „	- „ -	488 9 1	- „ -	77 7 3	8 12 6
123	74 205/95	- „ -	Jan. 11 „	- „ -	1,275 19 6	- „ -	336 19 –	sold entire.
117	61 271/95	- „ -	„ „ „	- „ -	392 14 4	- „ -	75 11 4	- „
137	77 1443/95	- „ -	Mar. 3 „	- „ -	3,117 19 10	- „ -	587 17 4	- „
55	27 210/95	- „ -	„ 13 „	- „ -	926 12 11	- „ -	174 8 4	- „
108	59 265/95	- „ -	Apr. 6 „	- „ -	312 13 9	- „ -	62 8 –	- „
192	138 215/95	- „ -	„ „ „	- „ -	645 17 6	- „ -	101 4 8	- „
179	88 264/95	- „ -	July 8 „	- „ -	2,380 6 11	- „ -	88 8 6	- „
77	52 204/95	- „ -	„ 20 „	- „ -	2,074 11 –	- „ -	265 7 2	- „
60	31 293/95	- „ -	„ 31 „	- „ -	286 – 3	- „ -	59 16 7	- „
no papers	34 134/95	- „ -	Aug. 3 „	- „ -	240 – 1	- „ -	54 2 10	- „
					Dolls. Rs.		*Dolls. Rs.*	*Dolls. Rs.*
about 25	about 35 -	252	Jan. 13 „	- „ -	175 –	- „ -	423 5	79 4 including wharfage.
not stated	not stated -	293	Feb. 18 „	- „ -	742 3	- „ -	564 4	*Dolls. Rs.* 145 4 including wharfage.
no papers	not known -	418	May 29 „	that the Court had no jurisdiction.				
177	141 3/5	332	Mar, 8 „	forfeiture	accounts not yet received.			
165	132	- none -	Apr. 15 „	restitution	- - -	award not yet received.		
99	80	- „ -	June 25 „	- „ -	- - -	award not yet received.		
161	128 4/5	- „ -	Dec. 30 „	- „ -	- - -	none.		

Canning,

SLAVE TRADE.

RETURNS of VESSELS which have been adjudicated in the Courts of Mixed Commission at *Sierra Leone*, from 1830 to 1841;—of POWERS with which Treaties have been concluded for the Suppression of the SLAVE TRADE;—and of SLAVE VESSELS brought before the Courts of Mixed Commission for Adjudication, between 1 January 1840 and 31 December 1841.

(*Mr. Stuart Wortley.*)
(*Captain Pechell.*)

Ordered, by The House of Commons, *to be Printed,*
29 *June* 1842.

Under 3 *oz.*

SLAVE TRADE COMMISSIONS.

RETURN to an Order of the Honourable The House of Commons, dated 10 June 1842;—*for*,

— 1. —

A RETURN of the AMOUNT paid for SALARIES and INCIDENTAL EXPENSES for the COMMISSIONS established on the part of Her Majesty under the TREATIES with FOREIGN POWERS for suppressing the TRAFFIC in SLAVES, in pursuance of the several Acts of the Legislature for carrying those Treaties into effect; stating the several Stations where Commissions have been or are established, and the Amount paid for each Commission in each Year, up to January 1842:—Also,

— 2. —

RETURN of the NUMBER of PERSONS now receiving PENSIONS for Service in the said COMMISSIONS; stating the Name, Number of Years' Service, Amount of Pension, and the Date of the same when first granted.

(*Mr. Hume.*)

Ordered, by The House of Commons, *to be Printed*,
8 *July* 1842.

—1.— - - - - - - - - -

AN ACCOUNT of the AMOUNT paid for SALARIES and INCIDENTAL EXPENSES for the COMMISSIONS established on the of the several Acts of the Legislature for carrying those Treaties into effect; stating the several Stations where

			1819.		1820.	
			£. s. d.	£. s. d.	£. s. d.	£. s. d.
SIERRA LEONE Commission:	Commissary Judge - -	outfit	500 – –	—	—	—
		salary	3,000 – –	- - -	2,999 19 1	- - -
	Commissioner of Arbitration	outfit	—	—	—	—
		salary	1,000 – –	- - -	1,000 – –	- - -
	Registrar - - - -	outfit	—	—	—	—
		salary	500 – –	- - -	500 – –	- - -
	Contingencies - - -	- -	279 10 11	- - -	152 19 8	- - -
				5,279 10 11		4,652 18 9
HAVANA Commission:	Commissary Judge - -	outfit	550 – –	—	—	—
		salary	1,500 – –	- - -	1,500 – –	- - -
	Commissioner of Arbitration	outfit	550 – –	—	—	—
		salary	1,500 – –	- - -	1,500 – –	- - -
	Contingencies - - -	- -	87 19 9	- - -	- - -	- - -
				4,187 19 9		3,000 – –
RIO DE JANEIRO Commission:	Commissary Judge - -	outfit	600 – –	—	—	—
		salary	1,500 – –	- - -	1,500 – –	- - -
	Commissioner of Arbitration	outfit	500 – –	—	—	—
		salary	1,000 – –	- - -	1,000 – –	- - -
	Contingencies - - -	- -	88 5 9	- - -	101 16 –	- - -
				3,688 5 9		2,601 16 –
SURINAM Commission:	Commissary Judge - -	outfit	400 – –	—	—	—
		salary	1,125 – –	- - -	1,500 – –	- - -
	Commissioner of Arbitration	outfit	300 – –	- - -	- - -	- - -
		salary	750 – –	- - -	1,000 – –	- - -
	Contingencies - - -	- -	87 18 3	- - -	- - -	- - -
				2,662 18 3		2,500 – –
LONDON Commission:	Commissary Judge - -	salary	1,312 10 –	- - -	1,500 – –	- - -
	Commissioner of Arbitration	salary	1,312 10 –	- - -	1,500 – –	- - -
	Secretary - - - -	salary	700 – –	- - -	700 – –	- - -
	Contingencies - - -	- -	468 15 2	- - -	457 10 –	- - -
				3,793 15 2		4,157 10 –
LONDON:	Superintendent of Correspondence, with Clerks to assist, and Contingencies -	- - -		374 9 5	- - -	428 1 2
	TOTALS - - -	- - -	£.	19,986 19 3	- - -	17,340 5 11

			1825.		1826.	
			£. s. d.	£. s. d.	£. s. d.	£. s. d.
SIERRA LEONE Commission:	Commissary Judge - -	outfit	628 15 –	- - -	- - -	- - -
		salary	1,358 4 4	- - -	1,795 17 9	- - -
	Commissioner of Arbitration	outfit	—	—	—	—
		salary	2,048 6 3	- - -	2,064 14 6	- - -
	Registrar - - - -	outfit	275 – –	—	—	—
		salary	1,099 12 9	- - -	1,000 – –	- - -
	Contingencies - - -	- -	702 7 –	- - -	891 13 1	- - -
				6,112 5 4		5,752 5 4
HAVANA Commission:	Commissary Judge - -	outfit	—	—	—	—
		salary	1,850 – –	- - -	1,850 – –	- - -
	Commissioner of Arbitration	outfit	423 – –	- - -	- - -	- - -
		salary	817 3 4	- - -	1,850 – –	- - -
	Contingencies - - -	- -	133 8 7	- - -	419 4 5	- - -
				3,223 11 11		4,119 4 5
RIO DE JANEIRO Commission:	Commissary Judge - -	outfit	—	—	—	—
		salary	1,500 – –	- - -	1,500 – –	- - -
	Commissioner of Arbitration	outfit	- - -	- - -	- - -	- - -
		salary	1,000 – –	- - -	1,000 – –	- - -
	Contingencies - - -	- -	131 18 6	- - -	146 4 –	- - -
				2,631 18 6		2,646 4 –
SURINAM Commission:	Commissary Judge - -	outfit	- - -	- - -	- - -	- - -
		salary	1,500 – –	- - -	1,500 – –	- - -
	Commissioner of Arbitration	outfit	- - -	- - -	- - -	- - -
		salary	1,000 – –	- - -	1,000 – –	- - -
	Contingencies - - -	- -	- - -	- - -	30 10 –	- - -
				2,500 – –		2,530 10 –
LONDON:	Superintendent of Correspondence, with Clerks to assist, and Contingencies -	- - -		440 12 8	- - -	630 3 5
	TOTALS - - -	- - -	£.	14,908 8 5	- - -	15,678 7 2

— 1. —

part of Her Majesty under the TREATIES with FOREIGN POWERS for suppressing the TRAFFIC in SLAVES, in pursuance Commissions have been or are established, and the Amount paid for each Commission in each Year, up to January 1842.

1821.						1822.						1823.						1824.					
£.	s.	d.	£.	s.	d.	£.	s.	d.	£.	s.	d.	£.	s.	d.	£.	s.	d.	£.	s.	d.	£.	s.	d.
3,000	–	–	-	-	-	3,000	–	–	-	-	-	3,000	–	–	-	-	-	3,000	–	–			
1,000	–	–	-	-	-	1,000	–	–	-	-	-	717	–	9	-	-	-	2,000	–	–			
687	10	–	-	-	-	562	10	–	-	-	-	597	2	9	-	-	-	750	–	–			
315	6	6	-	-	-	492	18	3	-	-	-	486	7	4	-	-	-	1,444	1	11			
			5,002	16	6				5,055	8	3				4,800	10	10				7,194	1	11
1,500	–	–	-	-	-	1,850	–	–	-	-	-	1,850	–	–	-	-	-	1,850	–	–			
1,500	–	–	-	-	-	1,850	–	–	-	-	-	1,850	–	–	-	-	-	309	–	5			
-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	13	2	11			
			3,000	–	–				3,700	–	–				3,700	–	–				2,172	3	4
1,500	–	–	-	-	-	1,500	–	–	-	-	-	1,500	–	–	-	-	-	1,500	–	–			
1,000	–	–	-	-	-	1,000	–	–	-	-	-	1,000	–	–	-	-	-	1,000	–	–			
225	1	5	-	-	-	158	3	2	-	-	-	166	18	9	-	-	-	180	8	4			
			2,725	1	5				2,658	3	2				2,666	18	9				2,680	8	4
1,500	–	–	-	-	-	1,500	–	–	-	-	-	1,500	–	–	-	-	-	1,056	1	5			
-	-	-	-	-	-	300	–	–															
750	–	–	-	-	-	689	–	–	-	-	-	1,000	–	–	-	-	-	1,000	–	–			
-	-	-	-	-	-	43	5	6	-	-	-	56	3	11	-	-	-	58	10	–			
			2,250	–	–				2,532	5	6				2,556	3	11				2,114	11	5
1,500	–	–	-	-	-	1,500	–	–	-	-	-	1,500	–	–	-	-	-	750	–	–			
906	3	3	-	-	-	1,125	–	–	-	-	-	1,500	–	–	-	-	-	750	–	–			
700	–	–	-	-	-	700	–	–	-	-	-	700	–	–	-	-	-	350	–	–			
459	16	1	-	-	-	383	18	4	-	-	-	617	4	4	-	-	-	492	18	2			
			3,565	19	4				3,708	18	4				4,317	4	4				2,342	18	2
-	-	-	415	4	4	-	-	-	451	6	8	-	-	-	426	12	4	-	-	-	456	18	9
-	-	-	16,959	1	7	-	-	-	18,106	1	11	-	-	-	18,467	10	2	-	-	-	16,961	1	11

1827.						1828.						1829.						1830.					
£.	s.	d.	£.	s.	d.	£.	s.	d.	£.	s.	d.	£.	s.	d.	£.	s.	d.	£.	s.	d.	£.	s.	d.
-	-	-	-	-	-	547	16	7															
450	–	–	-	-	-	2,955	2	8	-	-	-	2,145	4	–	-	-	-	1,749	6	2			
1,947	4	–	-	-	-	1,627	4	–	-	-	-	1,951	3	–	-	-	-	2,000	–	–			
819	–	–	-	-	-	937	10	–	-	-	-	801	14	2	-	-	-	1,000	–	–			
1,177	6	1	-	-	-	1,169	8	10	-	-	-	1,018	7	4	-	-	-	1,252	2	3			
			4,393	10	1				7,237	2	1				5,916	8	6				6,001	8	5
1,850	–	–	-	-	-	1,213	18	–	-	-	-	925	–	–	-	-	-	1,587	19	–			
-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	300	–	–			
1,850	–	–	-	-	-	1,850	–	–	-	-	-	1,850	–	–	-	-	-	262	1	–			
418	14	10	-	-	-	471	3	11	-	-	-	515	2	4	-	-	-	535	15	8			
			4,118	14	10				3,535	1	11				3,290	2	4				2,685	15	8
812	10	–	-	-	-	937	10	–	-	-	-	1,326	18	–	-	-	-	451	5	10			
-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	200	–	–			
1,000	–	–	-	-	-	1,000	–	–	-	-	-	1,000	–	–	-	-	-	1,022	6	6			
36	10	8	-	-	-	73	5	10	-	-	-	49	8	–	-	-	-	184	8	3			
			1,849	–	8				2,010	15	10				2,376	6	–				1,858	–	7
-	-	-	-	-	-	200	–	–															
1,500	–	–	-	-	-	1,875	–	–	-	-	-	1,701	7	4	-	-	-	1,500	–	–			
-	-	-	-	-	-	300	–	–															
778	8	5	-	-	-	625	–	–	-	-	-	1,000	–	–	-	-	-	1,000	–	–			
4	1	6	-	-	-	13	14	9															
			2,282	9	11				3,013	14	9				2,701	7	4				2,500	–	–
-	-	-	837	2	11	-	-	-	905	–	4	-	-	-	907	5	11	-	-	-	936	–	3
-	-	-	13,480	18	5	-	-	-	16,701	14	11	-	-	-	15,191	10	1	-	-	-	13,981	4	11

Account of the Amount paid for Salaries and Incidental Expenses - - - - -

			1831.		1832.	
			£. s. d.	£. s. d.	£. s. d.	£. s. d.
Sierra Leone Commission:	Commissary Judge	outfit	—	—	—	—
		salary	2,350 – –	– – –	3,150 – –	– – –
	Commissioner of Arbitration	outfit	—	—	—	—
		salary	2,000 – –	– – –	2,021 18 4	– – –
	Registrar	outfit	—	—	—	—
		salary	1,000 – –	– – –	1,000 – –	– – –
	Contingencies		1,026 10 3	– – –	1,142 7 6	– – –
				6,376 10 3		7,314 5 10
Havana Commission:	Commissary Judge	outfit	—	—	—	—
		salary	1,850 – –	– – –	1,850 – –	– – –
	Commissioner of Arbitration	outfit	– – –	– – –	– – –	– – –
		salary	55 17 9	– – –	1,200 – –	– – –
	Contingencies		526 9 10	– – –	566 12 10	– – –
				2,432 7 7		3,616 12 10
Rio de Janeiro Commission:	Commissary Judge	outfit	– – –	– – –	500 – –	—
		salary	1,200 – –	– – –	1,023 – 3	– – –
	Commissioner of Arbitration	outfit	—	—	—	—
		salary	800 – –	– – –	800 – –	– – –
	Contingencies		128 14 6	– – –	128 14 6	– – –
				2,128 14 6		2,451 14 9
Surinam Commission:	Commissary Judge	outfit	– – –	– – –	– – –	– – –
		salary	1,500 – –	– – –	1,500 – –	– – –
	Commissioner of Arbitration	outfit	—	—	—	—
		salary	815 8 2	– – –	833 6 8	– – –
	Contingencies		17 5 6	– – –	– – –	– – –
				2,332 13 8		2,333 6 8
London:	Superintendent of Correspondence, with Clerks to assist, and Contingencies		– – –	926 19 3	– – –	1,044 6 10
	Totals		– – – £.	14,197 5 3	– – –	16,760 6 11

			1837.		1838.	
			£. s. d.	£. s. d.	£. s. d.	£. s. d.
Sierra Leone Commission:	Commissary Judge	outfit	—	—	—	—
		salary	2,171 – 2	– – –	2,610 – –	– – –
	Commissioner of Arbitration	outfit	—	—	—	—
		salary	1,479 9 –	– – –	877 18 3	– – –
	Registrar	outfit	—	—	—	—
		salary	739 13 11	– – –	751 1 6	– – –
	Contingencies		1,025 2 –	– – –	1,141 7 7	– – –
				5,415 5 1		5,380 7 4
Havana Commission:	Commissary Judge	outfit	400 – –	—	—	—
		salary	1,568 5 9	– – –	1,600 – –	– – –
	Commissioner of Arbitration	outfit	– – –	– – –	300 – –	—
		salary	1,467 18 10	– – –	1,113 13 –	– – –
	Contingencies		555 14 11	– – –	590 2 –	– – –
				3,991 19 6		3,603 15 –
Rio de Janeiro Commission:	Commissary Judge	outfit	– – –	– – –	– – –	– – –
		salary	855 16 8	– – –	1,200 – –	– – –
	Commissioner of Arbitration	outfit	—	—	—	—
		salary	789 – 10	– – –	800 – –	– – –
	Contingencies		64 – 8	– – –	65 1 3	– – –
				1,708 18 2		2,065 1 3
Surinam Commission:	Commissary Judge	outfit	—	—	—	—
		salary	1,183 11 3	– – –	1,200 – –	– – –
	Commissioner of Arbitration	outfit	– – –	– – –	– – –	– – –
		salary	986 6 –	– – –	800 – –	– – –
	Contingencies		– – –	– – –	– – –	– – –
				2,169 17 3		2,000 – –
London:	Superintendent of Correspondence, with Clerks to assist, and Contingencies		– – –	962 8 3	– – –	1,215 16 11
	Totals		– – – £.	14,248 8 3	– – –	14,265 – 6

- - - - for the Commissions established on the part of Her Majesty, &c.—*continued.*

1833.		1834.		1835.		1836.	
£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
3,000 – –	- - -	2,515 13 1	- - -	2,577 10 –	- - -	1,886 16 –	
2,000 – –	- - -	2,000 – –	- - -	1,625 – –	- - -	1,500 – –	
1,000 – –	- - -	999 19 10	- - -	830 2 8	- - -	750 – –	
1,025 17 1	- - -	1,008 6 8	- - -	1,067 5 3	- - -	1,197 15 10	
	7,025 17 1		6,523 19 7		6,099 17 11		5,334 11 10
1,850 – –	- - -	1,850 – –	- - -	1,850 – –	- - -	1,466 18 –	
- - -	- - -	480 – –	- - -	1,200 – –	- - -	1,351 10 2	
1,200 – –	- - -	1,158 1 7	- - -	627 17 4	- - -	580 19 8	
522 14 6	- - -	628 16 10	- - -				
	3,572 14 6		4,116 18 5		3,677 17 4		3,399 7 10
1,200 – –	- - -	1,200 – –	- - -	1,199 19 11	- - -	1,129 5 2	
800 – –	- - -	800 – –	- - -	800 – –	- - -	800 – –	
125 19 1	- - -	153 4 2	- - -	93 18 8	- - -	107 3 2	
	2,125 19 1		2,153 4 2		2,093 18 7		2,036 8 4
- - -	- - -	500 – –	- - -	1,200 – –	- - -	1,200 – –	
1,239 – 11	- - -	361 17 1	- - -	1,000 – –	- - -	1,000 – –	
1,000 – –	- - -	1,000 – –	- - -				
- - -	- - -	10 13 –	- - -				
	2,239 – 11		1,872 10 1		2,200 – –		2,200 – –
- - -	1,053 – –	- - -	977 7 8	- - -	963 10 6	- - -	1,159 8 7
- - -	16,016 11 7	- - -	15,643 19 11	- - -	15,035 4 4	- - -	14,129 16 7

1839.		1840.		1841.	
£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
2,490 – –	- - -	2,769 3 7	- - -	1,313 8 10	
1,077 – –	- - -	1,265 2 1	- - -	1,582 3 10	
1,125 – –	- - -	751 – 5	- - -	791 1 11	
1,764 18 1	- - -	1,844 16 6	- - -	1,767 10 9	
	6,456 18 1		6,630 2 7		5,454 5 4
1,600 – –	- - -	1,600 – –	- - -	1,600 – –	
1,200 – –	- - -	1,200 – –	- - -	1,200 – –	
647 4 6	- - -	667 9 9	- - -	648 12 11	
	3,447 4 6		3,467 9 9		3,448 12 11
- - -	- - -	- - -	- - -	750 – –	
1,200 – –	- - -	1,200 – –	- - -	1,200 – –	
800 – –	- - -	800 – –	- - -	800 – –	
96 – 5	- - -	213 3 1	- - -	100 – –	
	2,096 – 5		2,213 3 1		2,850 – –
1,200 – –	- - -	1,200 – –	- - -	1,200 – –	
- - -	- - -	100 – –	- - -	300 – –	
600 – –	- - -	600 – –	- - -	600 14 –	
- - -	- - -	1 13 –	- - -	6 6 9	
	1,800 – –		1,901 13 –		2,107 – 9
- - -	1,287 17 5	- - -	1,369 2 5	- - -	943 13 3
- - -	15,088 – 5	- - -	15,581 10 10	- - -	14,803 12 3

MEMORANDUM.

In November 1830, a Return was made to Parliament of the Expense incurred by the British Government for the Mixed Commission Courts in Africa and South America, in each year since their establishment.

The present Return commences at the same period with the former, but is carried down to January 1842.

In the Return of 1830, the actual payments in each year were given as the expenses of the year; and the re-payments by Foreign Governments were counted in reduction of the payments in the year in which they were made.

In the present Return, the actual charge belonging to each year has been apportioned to the year to which it belongs; and the sums received from Foreign Governments for their shares of the expenses have been apportioned in like manner, and deducted from the charges for the years for which they were due.

In the Return of 1830, also, a sum of £.526. 8. 9. was charged as the payment of a Pension to a retired Commissioner. But no payments in respect to Pensions are included in the present Return, because a separate Return accompanies this, relating solely to Pensions granted for services under the Slave Trade Commissions.

In all other respects, this Return tallies with that given in 1830.

There were at first five Commissions: one at London, under a treaty with Portugal for settling the compensation due on cases of Portuguese slave ships captured prior to 1815. It closed in 1824.

Since then, there have been but four Commissions:

That at the Havana, under treaty with Spain;

at Surinam, under treaty with the Netherlands;

at Rio de Janeiro, formerly under treaty with Portugal, and since the separation of Portugal from Brazil, under treaty with Brazil;

And that at Sierra Leone, which is now under treaties with Spain, the Netherlands, Portugal and Brazil, and which adjudges the cases of vessels of all those nations.

A moiety of the expenses of the Commission at the Havana is paid by Spain; and the remainder by Great Britain.

A moiety of the expenses of the Commission at Surinam is paid by the Netherlands; and the remainder by Great Britain.

A moiety of the expenses of the Commission at Rio de Janeiro is paid by Brazil; and the remainder by Great Britain.

Spain, the Netherlands, Portugal and Brazil, pay each a sixth part of the expenses at Sierra Leone; and Great Britain pays the remaining two-sixths.

But Great Britain has usually had to advance, in the first instance, the whole of the expenses at Sierra Leone; and the Foreign Governments repay their shares afterwards.

The sums due by Foreign Governments for their respective shares of these expenses have all been paid up to the end of the year 1837.

There remains due for 1838	- - -	£.313	12 8
„ 1839	- - -	447	12 4
„ 1840	- - -	456	16 4
„ 1841	- - -	602	12 1
TOTAL	- - -	£.1,820	13 5

Of which sum total, the sum of £.463. 14. 1. is due by each of the three Governments of Spain, Portugal and Brazil; and £.429. 11. 2. is due by the Government of the Netherlands.

When these portions are received, they will be deducted from the amount of the contingent expenses at Sierra Leone for the years before mentioned, as given in this Return.

The Total of the Expense for the Slave Trade Commission Courts has been within the amount of the Estimates annually submitted to Parliament in detail under this head.

Foreign Office,
7 July 1842.

Canning.

—2.—

AN ACCOUNT of the NUMBER of PERSONS now receiving PENSIONS for Service in the COMMISSIONS established on the part of Her Majesty under the TREATIES with FOREIGN POWERS for suppressing the TRAFFIC in SLAVES, in pursuance of the several Acts of the Legislature for carrying those Treaties into effect; stating the Name, Number of Years' Service, Amount of Pension, and the Date of the same when first granted.

No.	NAME.	RANK AND STATION.	LENGTH OF SERVICE.	Amount of Pension.	Date of Commencement.
1.	Christopher Edward Lefroy	-- late Commissary Judge at Surinam.	-- upwards of eight years' actual service in the Commission for the suppression of Slave Trade -	£. 600	23 Feb. 1829.
2.	Henry Theophilus Kilbee	-- late Commissary Judge at Havana.	-- upwards of eight years' actual service in the Commission for the suppression of Slave Trade -	750	5 Jan. 1830.
3.	Henry Hayne - - -	-- late Commissary Judge at Rio de Janeiro.	-- upwards of eight years' actual service in the Commission for the suppression of Slave Trade -	750	5 Apr. 1830.
4.	Robert Francis Jameson -	-- late Commissioner of Arbitration at Havana	-- upwards of ten years' actual service in the Commission for the suppression of Slave Trade, and in the Commission for the settlement of Claims on Spain - - -	500	5 Jan. 1830.
5.	John Henry Lance - -	-- late Commissary Judge at Surinam.	-- upwards of eleven years' service in the Commission for the suppression of Slave Trade, of which period upwards of nine years were spent in actual service and residence at Surinam - - -	750	31 Mar. 1834.
6.	William Smith - -	-- late Commissary Judge at Sierra Leone.	-- ten years' service in the Commission for the suppression of Slave Trade, of which period upwards of eight years were spent in actual residence and duties at Sierra Leone - - - -	850	5 Apr. 1835.
7.	William Sharp Macleay -	-- late Commissary Judge at Havana.	-- ten years' actual service in the Commission for the suppression of Slave Trade, and twelve years' previous service in the Commission for British Claims on France; making twenty-two years' service altogether - - - - -	750	1 Feb. 1837.
8.	Henry William Macaulay	-- late Commissary Judge at Sierra Leone.	-- nine years' service in the Commission for the suppression of Slave Trade, of which upwards of six years were spent in actual residence and duties at Sierra Leone	750	14 Jan. 1841.
9.	Richard Belgrave Jackson	-- late Clerk to Her Majesty's Commissioners at Havana.	-- upwards of fourteen years' service in the Commission at the Havana, of which upwards of twelve years were spent in actual residence and duties at the Havana, and previous service at the Foreign Office - - - -	225	1 Jan. 1842.

Foreign Office,
7 July 1842.

Canning.

SLAVE TRADE COMMISSIONS.

RETURN of the AMOUNT paid for SALARIES and INCIDENTAL EXPENSES for the COMMISSIONS for suppressing the TRAFFIC in SLAVES; and the NUMBER of PERSONS now receiving PENSIONS for Service in the said Commissions.

(*Mr. Hume.*)

Ordered, by The House of Commons, *to be Printed,*
8 *July* 1842.

425.

Under 1 oz.

CANADA.

RETURN to an ADDRESS of the Honourable The House of Commons, dated 29 June 1842;—*for*,

COPIES of a DESPATCH from the Governor-General of *Canada* to the Secretary of State for the Colonies, of the 20th of January last, relative to the Surrender of *Nelson Hackett*, a Person of Colour, on the Demand of the Authorities of the *United States*, as a Fugitive from Justice; and of the COLONIAL ACT, 3 Will. 4, "An Act for the Apprehension of Fugitive Offenders from Foreign Countries, and delivering them up to Justice."

Colonial Office, Downing-Street, 25 July 1842.

G. W. HOPE.

Ordered, by The House of Commons, *to be Printed*, 26 *July* 1842.

— No. 1. —

(No. 10.)

COPY of a DESPATCH from the Right Honourable Sir *Charles Bagot*, G.C.B. to Lord *Stanley*; dated Government House, Kingston, 20 January 1842.

The Right Hon. Sir C. Bagot to Lord Stanley. 20 Jan. 1842.

My Lord,

IN the month of September last an application was addressed to this Government by the acting Governor of Michigan, for the surrender of one Nelson Hackett, a slave who had escaped from Arkansas, after having committed a robbery in that state. This application was at the time refused; first, because it was not made by the government of the state in which the offence had been committed; and, secondly, because it was not based on proceedings commenced before some competent criminal jurisdiction.

Shortly before I reached Canada a second requisition was addressed to Sir Richard Jackson, in which both these objections were obviated, the requisition proceeding on an indictment found by the grand jury of the county in which the offence had been committed, and being made by the Governor of Arkansas. I accordingly referred the papers connected with it to my executive council, in conformity with the provincial statute 3 Will. 4, c. 7, and I enclose for your Lordship's information a copy of their Report, as well as of the papers on which it is founded.

Report. 3 January 1842.

After fully considering the subject, I concurred in the recommendation of the council. There was no doubt of the guilt of this individual, the stolen property having been found on him on his arrival in the province; nor could it be said that this property had been taken solely to assist him in escaping from slavery, and not with a felonious intent. I felt therefore that to refuse to surrender him would be to establish as a principle that no slave escaping to this province should be given up, whatever offence, short perhaps of murder, he might have committed; a principle which would have been repugnant to the common sense of justice of the civilised world, would have involved us in disputes of the most inconvenient nature with the neighbouring states, and would have converted this province into an asylum for the worst characters, provided only they had been slaves before arriving here. I therefore ordered Nelson Hackett to be delivered up to the authorities of Arkansas, to be dealt with according to law.

I have, &c.

(signed) *Charles Bagot.*

The Right Hon. Sir C. Bagot to Lord Stanley. 20 Jan. 1842.

Western District, to wit.—The information and complaint of Alfred Wallace, of Washington county, in the state of Arkansas, in the United States of America, merchant, taken upon oath this 6th day of September in the year of our Lord 1841, before Robert Mercer and Samuel Gardiner, esquires, two of Her Majesty's justices of the peace for the said district.

The said informant, upon his oath, saith, that on the 18th day of July last, in the year of our Lord 1841, Nelson Hackett, of Washington county aforesaid, a coloured man, did feloniously steal, take, and carry away one roan mare, aged , branded with figure 2 on her left foreshoulder, and also one blue beaver over-coat, the body and collar of which were lined and faced with black silk velvet, and also a quantity of Mexican silver, and gold of the coin of the United States, of the value of 100 *l.*, the property of the said informant, Alfred Wallace, and with which property the aforesaid Nelson Hackett absconded; and this deponent further saith, that after having traced him through the United States to Windsor, in the Western district of Canada, he has good reason to believe that the said Nelson Hackett is now residing in Chatham, in the western district.

Taken and sworn at Windsor, in the district aforesaid, the 6th day of December 1841.

(signed) *Alfred Wallace.*
Robert Mercer, J.P., W.D.
Samuel Gardiner, J.P., W.D.

James Wright Gordon, Acting Governor in and over the State of *Michigan*, to his Excellency the Right Hon. *Charles* Baron Lord *Sydenham*, Governor-General of *British North America*.

It appears by the annexed papers, duly authenticated according to the laws of our state, that one Nelson, a negro, sometimes called Nelson Hackett, late of the county of Washington, in the state of Arkansas, is guilty of the crime of larceny, committed in the month of July A. D. 1841, in the county of Washington, state of Arkansas aforesaid; and it having been represented to me that the said Nelson has fled from the justice of the said state of Arkansas, and taken refuge within the province of Canada; and further, that the said Nelson has been arrested and is now confined in the prison at Sandwich, in the said province of Canada:

Now, therefore, pursuant to a usage heretofore existing and acknowledged, I have to request that the said Nelson be delivered to Daniel Thompson, sheriff of Wayne county, who is hereby duly authorized and empowered to receive him and carry him to the state of Michigan, there to be dealt with according to law.

In testimony whereof I have hereunto set my hand, and caused to be affixed the great seal of the state of Michigan.

Done at the city of Detroit this 18th day of September, in the year of our Lord 1841.

By the Acting Governor.

(signed) *J. Wright Gordon.*
William L. Driggs,
Acting Secretary of State.

State of Michigan, county of Wayne.—*Alfred Wallace*, being duly sworn, deposes and says, that, returning to his home in the county of Washington, state of Arkansas, after an absence, on or about the 24th day of July A.D. 1841, he learned that the dwelling-house of O. Evans, in the same county and state, had been entered and a gold watch and chain stolen therefrom, on or about the night of the 16th July; that a roan mare branded with the figure 2 on the fore left shoulder had been stolen from his own plantation, together with a fine blue beaver over-coat lined and faced with black velvet, both belonging to him; and that also about the same time, in the same neighbourhood, a fine quilted saddle had

had been stolen from W. L. Willson, he, deponent, also learning that at about the same period of these thefts, a negro by the name of Nelson, sometimes called Nelson Hackett, was missing from his plantation, became suspicious that he was the thief, and started in pursuit of him and the property: that on the 6th of September instant he arrived at Chatham, Upper Canada, where he found the said negro Nelson, and in his possession the mare, watch, and chain, saddle and over-coat above described: that with the assistance of deputy sheriff Lipman, of the western district of Upper Canada, he arrested the said Nelson, and that he was taken before James Reid and Thomas M. M'Crea, esqrs., justices of the peace at Chatham, and by them committed to prison.

(signed) *Alfred Wallace.*

Subscribed and sworn before me this 16th day of September A.D. 1841.

(signed) *E. J. Roberts,*
Notary Public, Wayne County, State of Michigan.

State of Michigan, county of Wayne.—*George G. Gregg*, being duly sworn, deposes and says, that he is a citizen of the county of Washington, in the state of Arkansas; that on or about the 16th day of July A.D. 1841, at a late hour of the night, the dwelling-house of O. Evans, in said county and state, was entered, and a gold watch and chain valued at 148 dollars, belonging to Augustus J. Ward stolen therefrom; and that on the night of the 17th July A.D. 1841, the plantation of A. Wallace, same county and state, was entered, and a roan mare, branded with the figure 2 upon her left fore shoulder, valued at 100 dollars, stolen therefrom: that a fine quilted saddle belonging to W. L. Willson was stolen about the same time, in the same neighbourhood, and a fine new blue beaver over-coat, lined and faced with black velvet, belonging to A. Wallace: that a negro named Nelson, sometimes called Nelson Hackett, was missing about the same time. Deponent further says, that on the 21st day of July he started in pursuit of the said Nelson on the presumption that he was the thief: that he arrived in Sandwich, Upper Canada, on the 13th day of September instant, where he found that the said Nelson had been apprehended and committed to prison; that through the grates of the Sandwich gaol he had identified him; that he has been shown the watch and chain, the saddle and the over-coat above described, and the magistrate committing the said Nelson, and identified the same as being the one stolen as above related; and that he had also seen and identified the said roan mare, the articles and the mare being found, as stated to him by the magistrate, in possession of the said Nelson.

(signed) *George G. Gregg.*

Subscribed and sworn before me this 16th day of September A.D. 1841.

(signed) *E. J. Roberts,*
Notary Public, Wayne County, State of Michigan.

Western District, to wit.—THE examination of *Nelson Hackett*, of the county of Washington, state of Arkansas, labourer, taken before us, Thomas M'Crea and James Reid, esqrs., two of Her Majesty's justices of the peace in and for said district. The said Nelson Hackett, being charged before us the said justices, on the oath of Alfred Wallace, of Arkansas aforesaid, merchant, for that he, the said Nelson Hackett, on or about the 18th July last past, did feloniously take, steal, and carry away one roan mare, branded with a figure 2 on the left shoulder, one blue over-coat, and a quantity of Mexican silver and American gold, of the value of 100*l.*, the property of the said Alfred Wallace, upon his examination saith, that the mare above described, and now found in the possession of the prisoner, and the coat, is the property of the said Alfred Wallace; was in the service of the said Alfred Wallace as a slave; took the mare from the race track-field, and the coat he took out of the house; the saddle in another stable; got the watch in Mr. Evans's house up stairs; thought it was Mr. Augustus Ward's watch. He

 was

The Right Hon. Sir C. Bagot to Lord Stanley. 20 Jan. 1842.

was a slave to Willis Wallace from the 15th June 1840 until December, after which Alfred Wallace told him to come over to his house; does not know whether he was sold to him or not; took no money from any person. And the witness against the said Nelson Hackett, being examined in his presence, the said Nelson Hackett is now asked if he wished to say anything in his own behalf; whereupon the said Nelson Hackett saith no.

his
(signed) *Nelson* × *Hackett.*
mark.

Taken before us at Chatham, this 17th day of September 1841.

(signed) *Thomas M'Crea*, J. P., W. D.
James Reid, J. P., W. D.

Western District, to wit.—THE examination of *Alfred Wallace*, of the county of Washington, state of Arkansas, merchant, taken upon oath before us, Thomas M'Crae and James Reid, esqrs. two of Her Majesty's justices of the peace, this 7th day of September 1841, in the presence and hearing of Nelson Hackett, charged this day for having taken and feloniously stolen a certain roan mare, a blue over-coat, and a quantity of silver. This deponent saith, that the prisoner, Nelson Hackett, has been in his employ, as his slave, since June 1840; that he left his service in July 1841, in the state of Arkansas; that the roan mare and the over-coat, now found in the possession of the prisoner, is the property of this deponent; that a gold watch, now also found upon the person of the prisoner, is the property of Augustus J. Ward, of Arkansas aforesaid; that the saddle, also found in the possession of the prisoner, is the property of W. L. Willson, of Arkansas aforesaid; which said mare, saddle, coat, and watch, this deponent believes to be of the value of 68 *l.* 15 *s.* provincial currency. Prisoner was never out of this deponent's sight more than two or three weeks at a time. This deponent verily believes that the prisoner did steal the sum of 500 dollars, in specie of gold and silver; and further this deponent saith not.

(signed) *Alfred Wallace.*

Taken and sworn before us at Chatham, this 7th day of September 1841.

(signed) *Thomas M'Crae*, J. P., W. D.
James Reid, J. P., W. D.

One mare - - - - - -	$	125
One saddle - - - - - -		25
One coat - - - - - -		25
One gold watch - - - - -		100
	$	275

To his Excellency the Right Honourable *Charles* Baron Sydenham, of *Sydenham*, in the County of *Kent*, &c. &c. &c. Governor-General of *British North America.*

May it please your Excellency,

THE petition of Alfred Wallace, of the state of Arkansas, in the United States, merchant, who humbly prayeth that Nelson Hackett, a negro, who, on the 18th July last, stole from your petitioner a roan mare, and an over-coat, and a quantity of American gold and Mexican silver coin, to the value of 100 *l.* and upwards, and who your petitioner followed into Canada, and there found the mare and over-coat, his property, with the prisoner, and who the authorities in Canada committed to Sandwich Gaol, may be given up to the authorities in the United States, to be there dealt with according to law; and your petitioner, as in duty bound, will ever pray.

Sandwich, Canada,
21 September 1841.

(signed) *Alfred Wallace.*

The Right Hon. Sir C. Bagot to Lord Stanley. 20 Jan. 1842.

Attorney-General's Office (West), Kingston,
29 September 1841.

Sir,

In reply to your letter of this date, enclosing an application from the acting governor of the state of Michigan, for the delivery of a slave named Nelson Hackett, charged with robbery in the United States, and requiring me to report whether there is any objection to a compliance with this application, I have the honour to state, that on perusing the papers accompanying the application I perceive that the alleged felony is stated to have been committed in the state of Arkansas, while the application is made by the acting governor of the state of Michigan.

The provincial statute of Upper Canada, 3 Will. 4, c. 7, authorises the governor in his discretion, with the advice of the executive council, on requisition made by the government of any country, or its ministers or officers authorised to make the same, within the jurisdiction of which country the crime thereinafter mentioned shall be charged to have been committed, to deliver up to justice any person charged, &c.

In my opinion the application should come from the government of the United States, or at least from the state of Arkansas, within the jurisdiction of which the crime is charged to have been committed.

Were this objection removed, I should still feel it open to great doubt, whether the application of the foreign government ought not to be based upon proceedings commenced before some competent criminal jurisdiction in the state or country where the alleged felony is stated to have been perpetrated.

I have, &c.
(signed) *W. H. Draper.*

To T. W. C. Murdoch, Esq.
Chief Secretary, &c. &c. &c.

The Park Farm, Sandwich, 23 December 1841.

Sir,

Herewith I have the honour of forwarding to you the demand from the governor of Arkansas to the administrator of this province, of Nelson Hackett, about whom the recent correspondence with your office took place. On receiving from you an order for his being delivered up to Mr. Davenport, I will see that it is properly attended to.

I remain, &c.
(signed) *John Prince.*

The Hon. S. B. Harrison, M. P. P., P. S. W.
&c. &c. &c.

To the Right Honourable Sir *Richard Jackson*, Governor-General of *British North America, Kingston, Canada*;

Greeting.

Whereas it has been made known to me that a certain Nelson Hackett, who has been charged with the crime of grand larceny, and against whom an indictment has been found for said felony by the grand jury of our county of Washington, has fled from justice, and beyond the limits of the state of Arkansas, and is now in the province of Canada, and within the jurisdiction of the government over which your Excellency presides; now, therefore, I, Archibald Yell, Governor of said state of Arkansas, do hereby request and respectfully demand of your Excellency that you will cause the said Nelson Hackett to be surrendered and delivered up, to the end that he may be removed and brought to said state of Arkansas, where jurisdiction may be had of said crime, and justice awarded in the premises. And I hereby authorise and empower Lewis Davenport, of Wayne county, in the state of Michigan, to receive from the proper authorities of the province of Canada, and take into his custody the said Nelson Hackett, and remove and transport him as aforesaid to the said state of Arkansas.

In testimony whereof I have hereunto set my hand, and caused the great seal of the state to be affixed, at Little Rock, on the 30th day of November A.D. 1841.

(L. S.)

(signed) *A. D. Yell.*

The Right Hon. Sir C. Bagot to Lord Stanley. 20 Jan. 1842.

State of *Arkansas*, County of *Washington*.—In the Circuit Court of said County, at the November term thereof, 1841.

THE grand jurors for the state of Arkansas, duly selected, summoned, returned, tried, empannelled, sworn, and charged to inquire in and for the body of the county of Washington aforesaid, upon their oath present that Nelson Hackett, a negro slave, the property of Alfred Wallace, late of said county, on the 2d day of July in the year of our Lord 1841, at the county aforesaid, one saddle of the value of 20 dollars, of the goods and chattels of one Washington L. Wilson, then and there being found, feloniously did steal, take, and carry away, contrary to the force of the statute in such case made and provided, and against the peace and dignity of the state of Arkansas.

(signed) *A. M. Wilson*,
Pro. Att. for the 4th Jud. Circuit, Arkansas.

State of *Arkansas*, County of *Washington* (s. s.), United States of *America*.

I, Benjamin H. Pierson, Clerk of the Circuit Court, and *ex officio* Recorder within and for the county of Washington aforesaid, hereby certify that the foregoing is a true copy of an indictment against Nelson Hackett, a slave, as therein described, preferred by the grand jury in and for the said county, on the day of the date thereof. In testimony whereof, I, as Clerk and *ex officio* Recorder as aforesaid, have hereunto set my hand and affixed the seal of said court, at office, this 26th day of November A.D. 1841.

(L. S.)

(signed) *B. H. Pierson*,
Clerk and Ex officio Recorder.

State of *Arkansas*, County of *Washington*.

I, Joseph M. Hoge, Judge of the Circuit Court, within and for the fourth judicial circuit of said state of Arkansas, do certify that Benjamin H. Pierson, whose signature and seal of office appears to the foregoing certificate, is, and was at the time of signing the same, clerk of the circuit for said county of Washington; that full faith and credit are due to all his official acts as such, and that the same is given in due form of law.

Given under my hand at Fayettville this the 26th day of November 1841.

(signed) *J. M. Hoge*,
Judge of the Circuit Court.

State of *Arkansas*, County of *Washington*, in the Circuit Court of said County, at the November term thereof, 1841.

THE grand jurors of the state of Arkansas, duly selected, summoned, returned, tried, empannelled, sworn, and charged to inquire in and for the body of the county of Washington aforesaid, upon their oath present that Nelson Hackett, a negro slave, the property of Alfred Wallace, late of said county, on the 17th day of July A. D. 1841, at the county aforesaid, and within the jurisdiction of this court, one gold watch of the value of 150 dollars, of the goods and chattels of one Augustus J. Ward, then and there being found, feloniously did steal, take, and carry away, contrary to the form of the statute in such case made and provided, and against the peace and dignity of the state of Arkansas.

(signed) *A. M. Wilson*,
Pro. Att. for the 4th Jud. Circuit, State of Arkansas.

The Right Hon. Sir C. Bagot to Lord Stanley. 20 Jan. 1842.

State of *Arkansas*, County of *Washington* (s. s.), United States of *America*.

I, Benjamin H. Pierson, Clerk of the Circuit Court, and *ex officio* Recorder within and for the county of Washington aforesaid, hereby certify that the foregoing is a true copy of a bill of indictment preferred against Nelson Hackett by the grand jury named in said indictment.

In testimony whereof I, as clerk and *ex officio* recorder as aforesaid, have hereunto set my hand and affixed the seal of my office at office, this 26th day of November, A. D. 1841.

(signed) *B. H. Pierson*,
Clerk and Ex officio Recorder.

(L. S.)

State of *Arkansas*, County of *Washington*.

I, Joseph M. Hoge, Judge of the Circuit Court, for and within the fourth judicial circuit of said state of Arkansas, do certify that B. H. Pierson, whose signature and seal of office appears to the foregoing certificate, is and was, at the time of signing the same, clerk of the circuit for the said county of Washington; that full faith and credit are due to all his acts as such, and that the same is given in due form of law.

Given under my hand at Fayetville this 26th day of November 1841.

(signed) *J. M. Hoge*,
Judge of Circuit Court, &c.

To the Right Honourable Sir *Richard Jackson*, Governor-General of *British North America*.

Your petitioner would respectfully represent to your Honour that Nelson Hackett now stands indicted in said circuit court of Washington county, state of Arkansas, for grand larceny, is now in British North America, and within the jurisdiction of your Honour. Your petitioner would respectfully request that the said Nelson Hackett be given up upon the requisition of the Governor of the state of Arkansas, to the end that he may be brought to answer the said indictment for grand larceny. As in duty bound, your petitioner will ever pray.

Washington County, Arkansas, 26 November 1841. (signed) *Washington L. Wilson.*

To the Right Honourable Lord *Sydenham*, Governor-General of the Province of *British North America*, &c. &c. &c.

The Petition of *Nelson Hackett*, a Man of Colour, now confined in the Gaol of the Western District;

Humbly showeth,

That your petitioner, who was a slave in Arkansas, in the United States of America, made his escape from that place to the province of Canada, where he had learned that the humanity of the British law made him a free man as soon as he touched the shores of the country; that after his arrival at Chatham, the person to whom he had belonged arrived at that place, and for the purpose of being enabled to take your petitioner back to Arkansas with him, charged your petitioner with having stolen goods in your petitioner's possession, when, in fact and truth, the property belonged to your petitioner. When your petitioner was taken before the magistrates to be examined, from the blows that had the night before been inflicted on his head, he was in such a state as to be unconscious of what he said, he having been severely beaten over the head with the butt of a whip and a large stick. That, to produce a feeling against your petitioner, his master charged him with having committed a rape, but did not attempt to make any proof thereof. Wherefore he prays your Excellency will be pleased to consider his case, and not authorize your petitioner to be given up, as should he be

The Right Hon. Sir C. Bagot to Lord Stanley. 20 Jan. 1842.

taken back to Arkansas, he will be tortured in a manner that to hang him at once would be mercy. Hoping that your Excellency will take pity on him, and not accede to the demands of his master without the most clear evidence of his guilt, which he is well assured can only be obtained by false swearing.

And in duty bound will ever pray.

(signed) his *Nelson* × *Hackett.* mark.

Sandwich Gaol, 18 September 1841.

To his Excellency Lieutenant-General Sir *R. D. Jackson*, K.C.B. Administrator of the Government of the Province of *Canada*, &c. &c. &c.

Report of a Committee of the Executive Council.

Present:—The Hon. Mr. Sullivan, in the Chair; Mr. Daly, Mr. Harrison, Mr. Draper, Mr. Day, and Mr. Killaly.

Signed, C. B.

May it please your Excellency,

THE Committee of Council have, according to the commands of his Excellency Sir Richard Jackson, considered the case of Nelson Hackett, a fugitive felon from the state of Arkansas, and have agreed upon the following Minute.

Read a requisition from his Excellency the Governor of the state of Arkansas, setting forth, that it had been made known to him that Nelson Hackett, a negro slave, against whom an indictment had been found for grand larceny by the grand jury of the county of Washington, in the said state, is now in the Province of Canada, and requesting that the said Nelson Hackett be surrendered and delivered up, to the end that he may be removed and taken to the said state of Arkansas, where jurisdiction may be had of the said crime and justice awarded in the premises, and empowering one Lewis Davenport to receive the said Nelson Hackett, and to remove and transport him to the said state of Arkansas.

Read also certified copies of two several bills of indictment found by the grand jury of the said county of Washington; one charging the said Nelson Hackett with larceny of a watch, the other charging the said Nelson Hackett with larceny of a saddle.

Read also several depositions taken in the said state of Arkansas, and in Canada, and the examination of the said Nelson Hackett, taken at Chatham, in the western district of this province, before two of Her Majesty's justices of the peace.

And the Committee of Council are respectfully of opinion, that there is sufficient evidence of the criminality of the said Nelson Hackett in the matters so charged against him to warrant the apprehension and commitment for trial of the said Nelson Hackett, had the offence wherewith he is charged been committed in this province, and they therefore recommend that the said Nelson Hackett be ordered to be delivered up and surrendered to Lewis Davenport above named, to the end that he be taken and transported to the said state of Arkansas, there to be dealt with according to law, pursuant to an Act of the Parliament of the Province of Upper Canada, passed in the third year of the reign of King William the Fourth, intituled "An Act to provide for the apprehending of Fugitive Offenders from Foreign Countries, and delivering them up to Justice."

All which is respectfully submitted.

By order.

(signed) *R. B. Sullivan*, Chairman.

Executive Council Office, Kingston, 8 January 1842.

This Report reserved for the consideration of his Excellency the Governor-general.

By command of the Administrator.

(signed) *Wm. H. Lee.*

The Right Hon. Sir C. Bagot to Lord Stanley. 20 Jan. 1842.

Sir, Government House, Kingston, 19 January 1842.

I HAVE the honour to inform your Excellency, that immediately on the assumption of the government of this province I took into consideration the demand made by your Excellency on Lieutenant-general Sir R. D. Jackson for the surrender to the authorities of the state of Arkansas of one Nelson Hackett, who has been charged with the crime of grand larceny, and against whom an indictment has been found by the grand jury of the county of Washington, in that state. Having, in connexion with my Executive Council, examined the charges against this individual, and the proofs by which they are supported, I have satisfied myself that there is sufficient evidence to warrant his commitment and trial, had the offence with which he is charged been committed in this province. I have therefore determined to comply with your Excellency's requisition, and have accordingly issued the necessary instructions for the surrender of Nelson Hackett to the custody of Lewis Davenport, the person appointed by your Excellency to receive him, with a view to his being conveyed to Arkansas, there to be dealt with according to law.

I have, &c.

His Excellency A. Yell, Governor of Arkansas.

(signed) *Charles Bagot.*

— No. 2. —

UPPER CANADA. ACT 3d WILL. 4, c. 7.

Fugitive Offenders' Act.

AN ACT to provide for the Apprehending of Fugitive Offenders from Foreign Countries, and delivering them up to Justice.—Passed 13th February 1833.

Preamble.

WHEREAS it is expedient to provide by law for the apprehending and delivering up of felons and other malefactors who, having committed crimes in foreign countries, have sought, or may hereafter seek an asylum in this province: be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the Fourteenth year of His Majesty's reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same,

Government authorised to deliver up to justice persons who may have fled from other countries into this Province, charged with heinous offences.

that the Governor, Lieutenant-governor, or person administering the government of this province, shall have power and he is hereby authorised, at his discretion, and by and with the advice of the Executive Council, on requisition being made by the government of any country, or its ministers or officers authorised to make the same, within the jurisdiction of which country the crimes hereinafter mentioned shall be charged to have been committed, to deliver up to justice any person who may have fled to this province, or who shall seek refuge therein, being charged with murder, forgery, larceny, or other crime, committed without the jurisdiction of this province, which crimes if committed within this province would, by the laws thereof, be punishable by death, corporal punishment, by pillory or whipping, or by confinement at hard labour, to the end that such person may be transported out of this province to the place where such crime shall have been charged to have been committed: provided always, that this shall only be done upon such evidence of criminality as, according to the laws of this province, would, in the opinion of the Governor, Lieutenant-governor, or person administering the government, and of the Executive Council, warrant the apprehension and commitment for trial of such fugitive from justice, or person so charged, if the offence had been committed within this province.

Persons charged with offences committed in foreign countries, may be committed until an application can be made to the Go-

2. And be it further enacted by the authority aforesaid, that, for preventing the escape of any person so charged, before any order for his apprehension can be obtained from the Governor, Lieutenant-governor, or person administering the government of this province, it shall be lawful for any judge, or for any justice of the peace in this province, acting within his jurisdiction, to issue his

vernment for delivering up such offender.

warrant for the apprehension and for the commitment of any such person charged as aforesaid, in order that he may be detained in secure custody until application can be made to the Governor, Lieutenant-governor, or person administering the government, under the provisions of this Act, and until an order can be made thereon; which warrant shall, nevertheless, only be granted upon such evidence, on oath, as shall satisfy such judge or justice that the person accused stands charged with some crime of the description hereinbefore specified, or that there is good ground to suspect him to have been guilty thereof.

This Act not to affect the provisions of 37 Geo. 3, c. 15, or to make it incumbent on the Government to deliver up persons charged as aforesaid, or to prevent their discharge on a habeas corpus, if too long detained in custody.

3. And be it further enacted by the authority aforesaid, that nothing in this Act contained shall be construed to affect the provisions of a certain Act of the Parliament of this province, passed in the 37th year of the reign of King George the Third, intituled, "An Act to authorize the Apprehending of Felons and others Escaping from any of His Majesty's Provinces and Governments in North America into this Province," or to make it incumbent upon the Governor and Council of this province to deliver up any person charged, if for any reason they shall deem it inexpedient so to do, or to prevent the discharge of any person upon habeas corpus who, having been committed under this Act, shall be detained in custody beyond the time that may be reasonably required, under the circumstances of the case, for carrying the provisions of this Act into effect.

CANADA.

COPIES of a DESPATCH from the Governor-General of *Canada* to the Secretary of State for the Colonies, of the 20th January last, relative to the Surrender of *Nelson Hackett*, a Person of Colour, on the Demand of the Authorities of the United States, as a Fugitive from Justice.

(Mr. Hawes.)

Ordered, by The House of Commons, *to be Printed,*
26 *July* 1842.

SLAVE TRADE.—SLAVE VESSELS.

RETURNS to Two ADDRESSES of the Honourable The House of Commons, dated respectively 3 May and 6 August 1842;—*for*,

— 1. —

SLAVE TRADE.

RETURNS of the Number of VESSELS which have been Adjudicated in the COURTS of MIXED COMMISSION at *Sierra Leone*, from the latest Date included in the Return No. 8 of the Appendix to the Report of the Committee on the State of that Colony, printed by Order of The House in the Year 1830, down to the latest Period to which the same can be made up; stating the Time and Place of Capture, and the Time that elapsed before the Ship arrived at *Sierra Leone* for Adjudication; the Number of SLAVES on Board at the Time of Capture, and the Number that were landed at *Sierra Leone*; distinguishing Males from Females, and Adults from Children, so far as the same can be made out:—Of the Number of VESSELS of every Class in HER MAJESTY'S SERVICE, which have been employed on the *West African* Station, in each Year since the Year 1828; specifying the Name, Class, and Force of each, together with the Numbers of their respective Crews, and stating the Number of Deaths in each Vessel in each Year, distinguishing those which have occurred in Action or by Accident (*in part continuation of Return ordered by The House to be printed, 17th February* 1830):—Of the TOTAL EXPENSE of the NAVAL FORCE employed in the Suppression of the SLAVE TRADE on the Western Coast of *Africa*, in each Year, since the first Establishment of the Mixed Commission Courts:—Of the several POWERS with which TREATIES have hitherto been concluded for the Suppression of the SLAVE TRADE; specifying those which have admitted the "Equipment Article," and the Date of each Ratification.

(Mr. Stuart Wortley.)

— 2. —

SLAVE VESSELS.

RETURN of the Number of SLAVE VESSELS Captured by HER MAJESTY'S CRUISERS since the Year 1831 inclusive; showing the Date of Capture, the Place of Condemnation, and the Number of Slaves at the Period of Capture and Adjudication respectively: also, An ACCOUNT of the subsequent Disposal of the Liberated Slaves after Adjudication.

(Lord Ashley.)

Ordered, by The House of Commons, *to be Printed*,
12 *August* 1842.

— 1. —

A RETURN of the Number of VESSELS of every Class in HER MAJESTY'S SERVICE which have been Employed on the WEST AFRICAN STATION, in each Year since the Year 1828, specifying the Name, Class, and Force of each, together with the Numbers of their respective Crews; and stating the Number of Deaths in each Vessel in each Year, distinguishing those which have occurred in Action or by Accident (*in part continuation of Return ordered by The House to be printed, 17th February* 1830).

Year.	Ships' Names.	Class.	Force.	Complement.	Number of Deaths in Action.	Number of Deaths by Accident.	TOTAL Number of Deaths.
1829	Sybille	5th rate	48 guns	300	1	3	57
	North Star	6th —	28 —	175	-	1	1
	Eden	6th —	26 —	135	-	2	123
	Medina	Sloop	20 —	135	-	-	4
	Primrose	—	18 —	125	-	-	1
	Clinker	Gun brig	12 —	62	-	2	7
	Plumper	—	12 —	50	-	-	3
	Athol	6th rate	28 —	160	-	-	3
1830	Sybille	5th rate	48 —	300	-	-	35
	Dryad	5th —	42 —	260	-	-	1
	Atholl	6th —	28 —	160	-	-	2
	Medina	Sloop	20 —	135	-	1	5
	Primrose	—	18 —	125	3	-	7
	Favorite	—	18 —	125	—		
	Clinker	Gun brig	12 —	62	-	1	2
	Plumper	—	12 —	62	-	-	2
	Conflict	—	12 —	50	-	-	1
1831	Dryad	5th rate	42 —	260	1	1	8
	Athol	6th —	28 —	160	-	-	5
	Medina	Sloop	20 —	135	-	-	2
	Favorite	—	18 —	125	-	1	2
	Plumper	Gun brig	12 —	62	-	-	1
	Conflict	—	12 —	50	-	-	10
	Brisk	—	3 —	48	—		
1832	Dryad	5th rate	42 —	260	-	2	4
	Athol	6th —	28 —	160	—		
	Favorite	Sloop	18 —	125	-	-	7
	Pelorus	—	18 —	117	—		
	Conflict	Gun brig	12 —	52	-	1	3
	Plumper	—	12 —	62	-	1	1
	Charybdis	—	3 —	52	-	-	3
	Brisk	—	3 —	48	—		
	Pluto	Steamer	3 —	53	-	1	8
1833	Isis	5th rate	50 —	330	-	2	7
	Trinculo	Sloop	16 —	117	-	-	1
	Pelorus	—	18 —	117	-	-	4
	Favorite	—	18 —	115	—		
	Curlew	Gun brig	10 —	72	-	-	8
	Britomart	—	10 —	56	-	2	4
	Brisk	—	3 —	52	-	1	3
	Charybdis	—	3 —	52	-	-	2
	Griffon	—	3 —	49	-	-	1
	Pluto	Steamer	3 —	53	-	-	1
1834	Isis	5th rate	50 —	330	-	1	8
	Pelorus	Sloop	18 —	117	-	1	2
	Trinculo	—	16 —	117	-	-	2
	Curlew	Brig	10 —	72	-	-	1
	Britomart	—	10 —	56	—		
	Buzzard	—	10 —	52	-	2	2
	Forester	—	3 —	52	-	1	3
	Griffon	—	3 —	52	-	-	1
	Brisk	—	3 —	52	-	2	3
	Lynx	—	3 —	49	—		
	Fair Rosamond	—	3 —	44	-	-	1
	Charybdis	—	3 —	52	-	1	2
	Pluto	Steamer	3 —	53	-	1	3

Year.	Ships' Names.	Class.	Force.	Complement.	Number of Deaths in Action.	Number of Deaths by Accident.	Total Number of Deaths.
1835	Pelorus	Sloop	18 guns	110	-	-	3
	Trinculo	—	16 —	110	—	-	
	Curlew	Brig	10 —	50	-	2	4
	Britomart	—	10 —	50	—		
	Rolla	—	10 —	50	-	-	1
	Buzzard	—	10 —	50	-	-	2
	Griffon	—	3 —	50	—	-	
	Brisk	—	3 —	50	-	-	4
	Lynx	—	3 —	50	-	-	1
	Charybdis	—	3 —	50	-	-	2
	Forester	—	3 —	40	-	-	4
	Fair Rosamond	—	1 —				1
1836	Thalia	5th rate	46 —	275	—		
	Pylades	Sloop	18 —	120	—		
	Scout	—	18 —	120	-	1	2
	Columbine	—	16 —	110	-	-	2
	Rolla	Brig	10 —	50	-	-	2
	Curlew	—	10 —	50	-	-	2
	Waterwitch	—	10 —	55	-	-	2
	Britomart	—	10 —	50	-	1	2
	Buzzard	—	3 —	50	—		
	Lynx	—	3 —	50	-	-	2
	Forester	—	3 —	50	-	1	3
	Charybdis	—	3 —	50	-	-	1
	Fair Rosamond	—	2 —	40	—		
	Griffon	—	3 —	50	—		
	Bonetta	—	6 —	50	-	3	3
1837	Scout	Sloop	18 —	126	-	-	8
	Pylades	—	18 —	120	-	1	2
	Childers	—	16 —	110	-	1	1
	Columbine	—	16 —	110	-	1	6
	Pelican	—	16 —	110	-	-	3
	Curlew	Brig	10 —	50	-	-	35
	Saracen	—	10 —	50	-	2	1
	Waterwitch	—	10 —	55	-	-	8
	Rolla	—	10 —	50	-	-	1
	Bonetta	—	6 —	50	-	-	7
	Dolphin	—	3 —	50	-	-	12
	Charybdis	—	3 —	50	-	1	5
	Forester	—	3 —	50	-	2	7
	Lynx	—	3 —	50	-	-	2
	Buzzard	—	3 —	50	-	1	8
	Viper	—	6 —	44	-	-	1
	Fair Rosamond	—	2 —	40	1	-	4
1838	Melville	4th rate	74 —	432	-	-	
	Pelican	Sloop	16 —	110	-	2	4
	Pylades	—	18 —	120	-	-	1
	Scout	—	18 —	110	-	-	1
	Columbine	—	16 —	110	-	-	16
	Childers	—	16 —	110	-	-	1
	Saracen	Brig	10 —	50	—		
	Waterwitch	—	10 —	55	—		
	Curlew	—	10 —	55	-	-	15
	Termagant	—	10 —	50	-	-	1
	Bonetta	—	6 —	50	—		
	Viper	—	6 —	44	-	1	20
	Brisk	—	4 —	50	-	2	10
	Forester	—	3 —	50	-	1	10
	Fair Rosamond	—	2 —	40	-	1	23
	Dolphin	—	3 —	50	-	-	4
	Lynx	—	2 —	50	-	-	3
1839	Scout	Sloop	18 —	110	-		
	Pylades	—	18 —	120	-	1	4
	Pelican	—	18 —	110	-	-	1
	Lily	—	16 —	115	—		
	Wolverine	—	16 —	115	-	-	17

Year.	Ships' Names.	Class.	Force.	Complement.	Number of Deaths in Action.	Number of Deaths by Accident.	Total Number of Deaths.
1839 -	Harlequin	Sloop	16 guns	115	-	-	9
	Saracen	Brig	10 —	55	-	-	4
	Nautilus	—	10 —	55	-	1	1
	Waterwitch	—	10 —	60	—		
	Partridge	—	10 —	50	—		
	Dolphin	—	3 —	60	-	-	4
	Bonetta	—	6 —	60	-	1	1
	Lynx	—	3 —	55	3	-	7
	Termagant	—	3 —	55	—		
	Viper	—	3 —	44	-	-	2
	Fair Rosamond	—	3 —	40	-	-	2
	Forester	—	3 —	55	-	-	15
	Buzzard	—	3 —	55	—		
	Brisk	—	3 —	55	-	-	14
1840 -	Wolverine	Sloop	16 —	115	-	1	7
	Wanderer	—	16 —	115	-	1	4
	Persian	—	16 —	120	-	-	4
	Harlequin	—	16 —	115	-	1	1
	Saracen	Brig	10 —	55	-	-	3
	Rolla	—	10 —	55	-	-	3
	Cygnet	—	6 —	65	—		
	Lynx	—	3 —	55	-	-	2
	Termagant	—	3 —	55	-	-	3
	Viper	—	3 —	44	-	1	2
	Buzzard	—	3 —	55	-	-	9
	Dolphin	—	3 —	60	-	1	2
	Forester	—	3 —	55	-	-	3
1841 -	Madagascar	5th rate	44 —	327	—		
	Iris	6th —	26 —	205	-	2	5
					to 30th September	-	-
	Wolverine	Sloop	16 —	116	-	-	5
	Persian	—	16 —	120	2	-	10
	Wanderer	—	16 —	115	-	1	12
	Cygnet	Brig	8 —	65	-	3	7
	Dolphin	—	3 —	60	2	1	17
	Bonetta	—	3 —	60	-	-	—
					to 30th September	-	-
	Ferret	—	10 —	65	-	3	4
	Forester	—	10 —	55	-	1	1
	Saracen	—	10 —	55	-	-	2
	Lynx	—	3 —	55	-	-	1
	Termagant	—	3 —	55	3	1	10
	Pantaloon	—	10 —	60	—		
	Buzzard	—	3 —	55	-	3	5
	Viper	—	6 —	44	—		
	Rolla	—	10 —	55	-	-	2
					to 30th September	-	-
	Pluto	Steamer	2 —	51	1	-	5
1842 -	Madagascar	5th rate	44 —	360			
	Iris	6th —	26 —	240			
	Persian	Sloop	16 —	140			
	Ferret	—	10 —	80			
	Heroine	Brig	10 —	70			
	Pantaloon	—	10 —	60			
	Rapid	—	10 —	60			
	Rolla	—	10 —	55			
	Cygnet	—	8 —	65	- - No books yet received in office from these vessels.		
	Dolphin	—	3 —	60			
	Bonetta	—	3 —	60			
	Buzzard	—	3 —	55			
	Termagant	—	3 —	55			
	Pluto	Steamer	2 —	56			
	Kite	—	- -	60			
	Albert	—	- -	- - -			
	Wilberforce	—	- -	- - -			
	Soudan	—	- -	- - -			

NAVAL FORCE EMPLOYED ON THE WEST AFRICAN STATION

Date of Capture.	Place where brought for Trial.	Case, how disposed of.	Number of Slaves at Period of Capture.	Number of Slaves at Period of Adjudication.	Account of the Disposal of the Liberated Slaves after Adjudication.
1836:					
2 Mar.	The Havana	condemned	188	136	— Given over to the Spanish authorities, to be employed as servants or free labourers.
4 —	Sierra Leone	—	none	none	
6 —	Ditto	—	none	none	
8 —	Ditto	—	248	231	— Given over to the Liberated African Department at Sierra Leone.
9 —	Ditto	—	none	none	
10 —	Ditto	—	none	none	
13 —	Ditto	—	none	none	
13 —	Ditto	—	none	none	
1 April	Ditto	—	315	not known	— 307, all the survivors, were landed before trial, and given to the care of the British authorities at Bahamas.
4 May	Ditto	—	269	257	— Given over to the Liberated African Department at Sierra Leone.
2 July	Ditto	—	335	36[illegible]	— — — ditto.
6 —	Ditto	—	none	none	
26 —	The Havana	—	287	280	— Given over to the British Superintendent of Liberated Africans to be sent to a British colony.
22 —	Sierra Leone	—	423	388	— Given over to the Liberated African Department at Sierra Leone.
17 Sept.	Ditto	—	471	417	— — — ditto.
[illegible]	Ditto	—	557	481	— — — ditto.
[illegible]	Ditto	—	119	88	— — — ditto.
[illegible]	Ditto	—	336	not known	— 343, all the survivors, were landed before trial, and given to the care of the British authorities at Grenada.
28 —	Ditto	—	484	not known	— 484, the whole number, were landed before trial, and given to the care of the British authorities at Grenada.
28 —	The Havana	—	414	407	— Given over to the British Superintendent of Liberated Africans, to be sent to a British colony.
3 Oct.	Sierra Leone	—	434	396	— Given over to the Liberated African Department at Sierra Leone.
19 —	Ditto	—	478	6[illegible]	— — — ditto.
20 —	Ditto	—	379	[illegible]	— — — ditto.
21 —	Ditto	—	none	none	
28 —	Ditto	—	588	[illegible]	— — — ditto.
12 Nov.	Ditto	—	22	2[illegible]	— — — ditto.
24 —	Ditto	—	508	4[illegible]	— — — ditto.
21 —	Ditto	—	none	none	
1 Dec.	Ditto	—	401	not known	— 203, all the survivors, landed before trial, and given into the charge of the British authorities at Honduras.
2 —	Ditto	—	none	none	
5 —	Ditto	—	111	101	— Given over to the Liberated African Department at Sierra Leone.
6 —	The Havana	restored	none	none	
23 —	Sierra Leone	condemned	690	680	— — — ditto.
27 —	Ditto	—	40	40	— — — ditto.
27 —	Ditto	—	none	none	
1837:					
11 Jan.	Ditto	—	376	4[illegible]	— Given over to the Liberated African Department at Sierra Leone.
11 —	Ditto	—	108	80	— — — ditto.
13 —	Ditto	—	none	none	
20 —	Ditto	—	349	250	— — — ditto.
2 Feb.	Ditto	—	325	320	— — — ditto.
10 —	Ditto	—	350	346	— — — ditto.
30 —	Ditto	—	none	none	
3 April	Ditto	—	417	not known	— 417, the whole number, landed before trial, and given into the charge of the British authorities at Nassau, New Providence.
19 —	Ditto	—	319	280	— Given over to the Liberated African Department at Sierra Leone.
25 —	Ditto	—	449	not known	— 445, the whole number, landed before trial, and given into the charge of the British authorities at Dominica.
11 May	Ditto	—	443	441	— Given over to the Liberated African Department at Sierra Leone.
19 —	Ditto	—	280	not known	— 227, all the survivors, landed before trial, and given into the charge of the British authorities at Florida.
27 —	Ditto	—	102	101	— Given over to the Liberated African Department at Sierra Leone.
1 June	Ditto	—	104	1[illegible]	— — — ditto.
7 —	The Havana	—	193	not known	— 183, the whole number, landed before trial, and given into the charge of the British authorities at the Bahamas.
11 —	Sierra Leone	—	2[illegible]	not known	— 280, all the survivors, landed before trial, and given into the charge of the British authorities at Jamaica.
26 —	Ditto	—	none	none	— Given over to the Liberated African Department at Sierra Leone.
6 Aug.	Ditto	—	350	345	— — — ditto.
12 Sept.	Ditto	—	182	not known	— 79, the whole number, landed before trial, and given into the charge of the British authorities at the Bahamas.
23 —	Ditto	—	none	none	— Given over to the Liberated African Department at Sierra Leone.
25 —	Ditto	—	182	136	— — — ditto.
28 —	Ditto	—	272	221	
28 —	Ditto	restored	none	[illegible]	

No.	Name of Vessel Captured.	Date of Capture.	Place where brought for Trial.	Case, how disposed of.	Number of Slaves at Period of Capture.	Number of Slaves at Period of Adjudication.	Account of Disposal of Liberated Slaves.
		1834.					
41	Felicidad - -	15 Aug. -	Sierra Leone -	condemned -	161	not landed	-- 162, all the survivors and given to the Governor of the Bahamas
42	Carlota - -	30 Oct. -	The Havana -	— - -	300	194	-- Given over to the Board to be employed as servants
43	Intrigadora - -	31 — - -	Sierra Leone -	— - -	272	261	-- Given over to the Liberated Africans Department
44	Clemente - -	3 Nov. -	Ditto - -	— - -	305	305	-- Given over to the Superintendent of Sierra Leone
45	Rio de la Plata -	28 — -	Rio de Janeiro -	— - -	523	500	-- Given over to the Board to be employed as servants
46	Formidable - -	17 Dec. -	Sierra Leone -	— - -	713	680	-- Given over to the Liberated Africans Department of Sierra Leone
47	Swift - - -	18 — -	Ditto - -	— - -	307	300	-- Given over to the Superintendent of Sierra Leone
48	Arevello - -	27 — -	Ditto - -	— - -	404	388	-- ditto
		1835.					
49	Merced - - -	3 Jan. -	Ditto - -	— - -	18	not known	-- Kept on board the Liberated Africans Department at Sierra Leone
50	Maria - - - -	14 — -	The Havana -	— - -	275	250	-- Given over to the Board to be employed as servants
51	Minerva - - -	15 — -	Sierra Leone -	— - -	620	544	-- Given over to the Liberated Africans Department of Sierra Leone
52	Julita - - -	20 — -	The Havana -	— - -	348	340	-- Given over to the Board to be employed as servants
53	Delta - - -	2 Feb. -	Sierra Leone -	— - -	340	330	-- Given over to the Liberated Africans Department of Sierra Leone
54	Infanta Felix -	12 — -	Rio de Janeiro -	-- refused by the Mixed Court	340	—	
55	Manuel - - -	23 — -	Sierra Leone -	condemned -	387	370	-- Given over to the Board to be employed as servants
56	Chabasco - -	14 Mar. -	The Havana -	— - -	300	300	
57	Angelica - -	17 — -	Rio de Janeiro -	-- released by the Mixed Court	370	—	
58	Legalidad Africana	30 — -	Sierra Leone -	condemned -	190	178	-- Given over to the Liberated Africans Department of Sierra Leone
59	Joven Reyna - -	27 — -	The Havana -	— - -	254	234	-- Given over to the Board to be employed as servants
60	Bienaventura - -	28 — -	Sierra Leone -	— - -	300	272	-- Given over to the Liberated Africans Department of Sierra Leone
61	Maria - - -	17 Apr. -	The Havana -	— - -	442	398	-- Given over to the Board to be employed as servants
62	Nuevo Dos - -	18 June -	Sierra Leone -	— - -	156	141	-- Given over to the Liberated Africans Department of Sierra Leone
63	Tres - - -	20 — -	The Havana -	— - -	314	302	-- Given over to the Board to be employed as servants
64	Volador - -	29 July -	Sierra Leone -	— - -	467	438	-- Given over to the Liberated Africans Department of Sierra Leone
65	Semiramis - -	2 Sept. -	Cape Lure - -	— - -	227	228	-- ditto
66	Amelia - -	7 Oct. -	The Havana -	— - -	200	200	-- Given over to the Board to be employed as servants
67	Argus - - -	11 — -	Sierra Leone -	— - -	420	361	-- Given over to the Liberated Africans Department of Sierra Leone
68	Conductor de Andes	18 — -	Ditto - -	— - -	262	247	-- ditto
69	Teresa - - -	16 Nov. -	Ditto - -	— - -	314	302	-- ditto
70	Notina - - -	27 — -	Ditto - -	— - -	234	218	-- ditto
71	General Manso -	4 Dec. -	Ditto - -	restored - -	none.	none.	
72	Victorina - -	4 — -	Ditto - -	— - -	6060	6000	
73	Josefa - - -	4 — -	Ditto - -	— - -	none.	none.	
74	Diligencia - -	7 — -	The Havana -	condemned -	141	94	-- Given over to the Board to be employed as servants
75	Orion - - -	17 — -	Rio de Janeiro -	— - -	343	330	-- Given over to the Board to be employed as servants
76	Tres Torres - -	30 — -	Sierra Leone -	— - -	3060	none.	
77	Isabella Segunda -	22 — -	Ditto - -	— - -	347	332	-- Given over to the Liberated Africans Department of Sierra Leone
78	Ligera - - -	24 — -	Ditto - -	— - -	168	162	-- ditto
79	Terpsichore - -	24 — -	Ditto - -	-- withdrawn by the captor.	none.	none.	
80	Segunda Maria -	28 — -	Ditto - -	condemned -	260	238	-- ditto
		1836.					
81	Rosario - - -	2 Jan. -	Ditto - -	— - -	none.	none.	
82	Ninfa - - -	7 — -	The Havana -	— - -	450	433	-- Given over to the Board to be employed as servants
83	Vencedora - -	9 — -	Rio de Janeiro -	restored - -	none.	none.	
84	Guerra - - -	14 — -	Sierra Leone -	condemned -	397	378	-- Given over to the Liberated Africans Department of Sierra Leone
85	Vasadora - -	21 — -	Ditto - -	— - -	377	343	-- ditto
86	Alerta Primo - -	25 — -	Ditto - -	— - -	none.	none.	
87	Zeno - - -	25 — -	Ditto - -	— - -	none.	none.	
88	Esperanza - -	29 — -	Ditto - -	— - -	none.	none.	
89	Tres Hermanos -	30 — -	Ditto - -	— - -	none.	none.	
90	Diligencia - -	30 — -	Ditto - -	— - -	none.	none.	
91	Hiver - - -	30 — -	Ditto - -	— - -	none.	none.	
92	Maria Orlanda -	30 — -	Ditto - -	— - -	none.	none.	
93	Cecilia Soteriano	6 Feb. -	Ditto - -	— - -	none.	none.	
94	Moon - - -	8 — -	Ditto - -	— - -	none.	none.	
95	Sol Bermudez -	8 — -	Ditto - -	— - -	260	211	-- ditto
96	Guadiana - -	9 — -	Ditto - -	— - -	none.	none.	
97	Isidro - - -	9 — -	Ditto - -	— - -	none.	none.	
98	Leon - - -	10 — -	Ditto - -	— - -	none.	none.	

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